

Village of Springville  
5 West Main Street  
Springville, N.Y. 14141-0017

**ANNUAL REORGANIZATION MEETING**

April 1, 2019

7:00 P.M.

BY MOTION OF:

NOTES

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1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. MINUTES FROM MEETINGS

Regular Meeting Minutes of March 18, 2019 **A.1**

Executive Session Minutes of March 18, 2019 **A.2**

4. PUBLIC HEARING

LL 2019-4 Cell Tower and Small Cell Installation

LL 2019-5 Chapter 200-5 Zoning Changes

5. PUBLIC COMMENT

6. ANNUAL REORGANIZATION **A.3**

7. DEPARTMENT REPORTS

**A. ADMINISTRATOR A.4**

1. Rescind Village Code Chapter 200 Section 119-132 Article XVII Telecommunication Facilities. LL4 will replace this chapter.
2. Adopt/Table LL4 of 2019 Wireless Telecommunications Facilities. See attached copy of the law.
3. Modify Fee Schedule to Include Wireless Telecommunication Fees Chapter 200-119 . See attached fee schedule.
4. Adopt/Table LL5 of 2019 Amendment to Section 200-5 Boundaries of Districts on Zoning Map for 243 W. Main St. See attached copy of the law.
5. Approve AT&T lease for attaching to cell tower after approval by the village attorney.
6. Amend Per Diem Policy in the Village Handbook. See attached sheet.

Discussion:

1. Parking Ban is over.
2. Totes to be delivered to residents June 5<sup>th</sup> & 6<sup>th</sup> right now for biweekly recycling. All recyclables must be inside the tote.

**B. SUPERINTENDENT'S REPORT A.5**

1. Streets Division and Electric division wish to jointly purchase a 10,000# utility trailer estimated cost \$4700.00.
2. NYDEC inspected WWTP on 3/21/19, had minor issues to report.
3. Recommend resolution to advertise for primary digester cover as per the bid documents provided by GHD.
4. Tree trimming along Main street on 3/23/19 went smoothly. Outage for those customers was 4 hours long.

Village of Springville  
5 West Main Street  
Springville, N.Y. 14141-0017

**ANNUAL REORGANIZATION MEETING**

April 1, 2019

7:00 P.M.

BY MOTION OF:

NOTES

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C. POLICE

Officer Resignation

D. FIRE DEPARTMENT

E. BUILDING INSPECTOR/CEO

F. CONTROL CENTER

8. NEW BUSINESS

9. OLD BUSINESS

10. BILLS

11. CONSENT AGENDA

12. TRUSTEE NOTES & PROJECT REPORT

13. EXECUTIVE SESSION

14. ADJOURN

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ATTACHMENT NO. A<sup>1</sup>

VILLAGE OF SPRINGVILLE  
2019 MINUTES

AGENDA DATE 4/1/19

March 18, 2019

7:00 P. M.

The Regular Meeting of the Trustees of the Village of Springville was held at the Village Municipal Building, 65 Franklin Street, Springville, New York at the above date and time.  
Present were:

Mayor	William J. Krebs
Trustees	Alan Chamberlin Kim Pazzuti Elise Rose Nils Wikman
Village Administrator	Liz C. Melock
Village Attorney	Paul Weiss
Building Inspector/ Code Enforcement Officer	Michael Kaleta
Superintendent of Public Works	Ken Kostowniak
Police Officer in Charge	Nicholas Budney
Deputy Clerk	Holly Murtiff
Also Attending	Max Borsuk, Springville Journal Kellen Quigley, Springville Times Robert Rung Dennis Dains
Absent	Marc Gentner, Fire Chief

Mayor Krebs called the meeting to order at 7:00 PM.

1. Minutes Minutes of the Regular Meeting of March 4, 2019 were approved as written by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Pazzuti and Rose voting yes, none opposed.

**PUBLIC HEARING**

2. LL 2019-4 Mayor Krebs opened the public hearing regarding LL 2019-4 for Cell Tower and Small Cell Installation. This Public Hearing must be rescheduled until April 1, 2019 at 7:01pm in order to allow for a proper advertisement to be placed in the appropriate publication.
3. 2019-2020 Tentative Budget Mayor Krebs opened the duly advertised Public Hearing to discuss the proposed 19/20 Tentative Budget. Mayor Krebs presented a power point explanation of the General Fund Budget.

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## TENTATIVE BUDGET VILLAGE OF SPRINGVILLE 2019-2020

	General	Water	Sewer
Appropriations	3,605,096	1,284,859	939,487
Estimated Revenue	1,522,116	1,201,859	939,487
(Other Than Real Estate Taxes Reserve Fund Revenues )			
Reserve Fund Revenues	0	0	0
Appropriated Fund Balance	250,000	83,000	0
Total Funding Sources	1,772,116	1,284,859	939,487
Balance of Appropriations To be raised by Real Estate Tax Levy	1,832,980		
Tax Cap	1,826,263		
Taxable Property Assessed Valuation 2019/2020 Levy	102,688,036 1,832,980		
2019/2020 Tax Rate per \$1000	\$17.84998		

2018-2019 Tax Rate \$17.25907 3.42%  
Levy Percentage Increase/(Decrease)  
2018/2019 levy \$1,762,527 3.99%

After discussion and questions, motion was made by Trustee Chamberlin, seconded by Trustee Pazzuti; carried, Mayor Krebs, Trustees Chamberlin, Pazzuti, Rose and Wikman voting yes, none opposed to close the 2019/2020 Preliminary Budget public hearing.

### PUBLIC COMMENT

Robert Rung, 20 Glen Street, asked questions regarding the recent Mutual Aid work the Electric Division has done in other communities.

There being no further questions, Mayor Krebs closed the Public Comment portion of the meeting.

### DEPARTMENT REPORTS ADMINISTRATOR REPORT

4. LL 2019-4 SEQR Motion was made by Trustee Wikman, seconded by Trustee Rose; carried, Mayor Krebs, Trustees Wikman, Rose, Chamberlin and Pazzuti voting yes, none opposed to approve the SEQR form and name the Village of Springville Village Board as the lead agency for LL 2019-4 Wireless Telecom.
5. LL 2019-4 Negative Declaration Motion was made by Trustee Rose, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Rose, Wikman, Chamberlin and Pazzuti voting yes, none opposed to declare a negative declaration for LL 2019-4 Wireless Telecom.

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6. LL 2019-5  
Public  
Hearing  
Motion was made by Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin, Pazzuti and Rose voting yes, none opposed to set the public hearing for LL 2019-5, Amend Section 200-5, 243 W. Main St. Zoning for April 1<sup>st</sup> at 7:03 pm. Advertisements will be placed in the appropriate publication.
7. LL 2019-5  
SEQR  
Motion was made by Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin, Pazzuti and Rose voting yes, none opposed to approve the SEQR form and name the Village of Springville Village Board as the lead agency for LL 2019-5, Amend Section 200-5, 243 W. Main St. Zoning.
8. LL 2019-5  
Negative  
Declaration  
Motion was made by Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin, Pazzuti and Rose voting yes, none opposed to declare a negative declaration for LL 2019-5, Amend Section 200-5, 243 W. Main St. Zoning.
9. Award  
TAP  
Project  
Motion was made by Trustee Pazzuti, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Pazzuti, Wikman, Chamberlin and Rose voting yes, none opposed to award the TAP project to D & H Excavating, Inc. in the amount of \$437,101.90. Bids were received and opened on February 1, 2019 and contractors submitted bids. D & H Excavating was the low bidder followed by Occhino Corp. at \$499,013 and Millennium Construction at \$546,573. The low bid was reviewed and approved by Watts Architecture & Engineering and NYSDOT.
10. D&H  
Excavating  
Contract  
Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Pazzuti and Rose voting yes, none opposed to authorize Mayor Krebs to sign the contract with D & H Excavating, after Village Attorney approval, for the amount of \$437,101.90.
11. Watts  
Architecture &  
Engineering  
Motion was made by Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin, Pazzuti and Rose voting yes, none opposed to authorize Mayor Krebs to sign a contract with Watts Architecture & Engineering for the construction management phase of the TAP project, after Village Attorney approval.
12. Recycling  
Totes  
Motion was made by Trustee Pazzuti, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Pazzuti, Wikman, Chamberlin and Rose voting yes, none opposed to award the recycling cart purchase to Cascade Engineering in the quantity of 1500 – 64 gallon recycling carts in green at \$60,330 and assembly & distribution for \$6,375 for a total price of \$66,705 (Sourcewell Contract #041217-CEI). The carts will arrive sometime in June 2019.
13. Police  
Hiring  
Policy  
Change  
After explanation by Administrator Melock, motion was made by Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin, Pazzuti and Rose voting yes, none opposed to change the police hiring policy. The new policy will be that retired police officers still certified from their full time position will be eligible for employment in the Village of Springville as a part time police officer.

At this time Administrator Melock took the opportunity to remind everyone that the April 1<sup>st</sup> Board meeting is the annual reorganization meeting.

## **SUPERINTENDENT REPORT**

Superintendent Kostowniak reported on the following;

- NYSEG mutual aid 2/25/19 – 3/1/19
- NYSDEC flow and MDL exceedance violations
- Meeting with NYSDEC regarding WWTP upgrades

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- Primary Digester bid package is ready for advertisement
- Scheduled electric outage between East Ave. and East Hill Run for tree trimming on 3/23/19

14. MEUA Motion was made by Trustee Chamberlin, seconded by Trustee Rose; carried, Mayor Krebs, Trustees Chamberlin, Rose, Pazzuti and Wikman voting yes, none opposed to naming Superintendent Kostowniak, and approve the below voting resolution, as the voting delegate for the Village of Springville at the MEUA Semi-annual meeting held on April 24 & 25, 2019.

## RESOLUTION

At a regular meeting of the Board of Trustees of the Village of Springville, New York, held on March 18, 2019, the following resolution was adopted:

Moved by Trustee Chamberlin, seconded by Trustee Rose.

WHEREAS, the Board of Trustees of the Village of Springville, New York, is a municipal member of the Municipal Electric Utilities Association of New York State, and

WHEREAS, the Semi-Annual Meeting of the Municipal Electric Utilities Association of New York State has been called on April 24, and April 25, 2019 to be held at the Embassy Suites by Hilton Destiny USA, 311 Hiawatha Blvd W, Syracuse, NY 13204 and,

WHEREAS, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that Kenneth Kostowniak be and is hereby designated as the accredited delegate of the Village of Springville, New York.

On roll call: Affirmative: 5 Negative: 0

15. Electric Scrap/Surplus Motion was made by Trustee Rose, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Rose, Chamberlin, Pazzuti and Wikman voting yes, none opposed to declaring the below list of items (transformers) surplus and to be disposed of via recycling, sale or scrap.

<u>Serial no.</u>	<u>Make</u>	<u>KVA</u>	<u>NO.</u>	<u>Location</u>
2943675	Allis Chalms	15	308	Retired 11/5/18 2718170
65AM6703	Westinghouse	25	212	Retired 1/9/19 261904
D630901-58Y	G.E.	75	689	Retired 1/24/19 261907
C550261-56P	G.E.	75	690	Retired 1/24/19 261907
D637496-58Y	G.E.	75	691	Retired 1/24/19 261907
4447600301	Kuhlman	25	1007	Retired 5/29/18 271866

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16. NYSDOT Utility Work Agreement After explanation by Superintendent Kostowniak, motion was made by Trustee Wikman, seconded by Trustee Rose; carried, Mayor Krebs, Trustees Wikman, Rose, Chamberlin and Pazzuti voting yes, none opposed to Superintendent Kostowniak being the contact and authorized to sign the agreement with NYSDOT to perform facility adjustments, maintain facilities and authorizing a municipal official to enter into agreements with the State of New York.

## **POLICE DEPARTMENT**

Officer in Charge Budney had nothing to report this evening.

## **FIRE DEPARTMENT**

There was no fire report this evening.

## **BUILDING INSPECTOR/CEO**

17. LL 2019-4 Language BI/CEO Kaleta updated the Mayor and Board that the language for LL 2019-4, Wireless Telecommunication Facilities was approved by the Planning Board.
18. LL 2019-6 Public Hearing After explanation by BI/CEO Kaleta, motion was made by Trustee Chamberlin, seconded by Trustee Pazzuti; carried, Mayor Krebs, Trustees Chamberlin, Pazzuti, Rose and Wikman voting yes, none opposed to setting a public hearing for April 15, 2019 at 7:01 pm for LL 2019-6, Elm Street Healthcare Overlay District zoning change. Advertisements will be placed in the appropriate publication.
19. Garbage Violation After explanation by BI/CEO Kaleta, motion was made by Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin, Pazzuti and Rose voting yes, none opposed to treating the garbage violation at 190 Waverly as a violation of Chapter 145 (Solid Waste) of the Village Code.

## **CONTROL CENTER**

The February 2019 Control Center report has been received and filed.

## **NEW BUSINESS**

20. South Cascade Drive After discussion and explanation by Mayor Krebs, motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Pazzuti and Rose voting yes, none opposed to approving and authorizing Mayor Krebs to sign the below resolution.

### **Resolution Refusing Town of Concord's Request to Maintain and Own South Cascade Drive Between Route 39 and Waverly Street in Springville**

WHEREAS, The Town of Concord requested in a letter dated October 12, 2018 that the Village of Springville maintain and own the section of South Cascade Drive between Route 39 and Waverly Street, and

WHEREAS, there is no documentary evidence that this section of South Cascade Drive was maintained and owned by the Village of Springville, and

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WHEREAS, this section of South Cascade Drive is a regional thoroughfare for motorists traveling north and south through Springville and for regional visitors to the big box retail development on this road, and

WHEREAS, the sections of this South Cascade Drive contiguous to the north Route 39 and to the south of Waverly are within in Village limits and are not maintained or owned by the Village of Springville, and

WHEREAS, the maintenance and ownership of the this section of South Cascade Drive would be an unfair burden to the 4300 residents of the Village of Springville because this road serves the town and region's residents, and

WHEREAS, the State of New York and the County of Erie maintain other streets within the Village of Springville limits, and

WHEREAS, Village of Springville residents pay town taxes which should fund the maintenance and ownership of this three lane regional section of South Cascade Drive, and

WHEREAS, the State of New York transferred the maintenance and ownership of this section of South Cascade Drive to the Town of Concord in an Official Order dated November 3, 2011, and NOW THERFORE LET IT BE RESOLVED: that Village of Springville refuses the request by the Town of Concord to maintain and own South Cascade Drive between Route 39 and Waverly Street.

## **OLD BUSINESS**

21. LL 2019-7 Changes After discussion, motion was made by Trustee Chamberlin, seconded by Trustee Rose; carried, Mayor Krebs, Trustees Chamberlin, Rose, Pazzuti and Wikman voting yes, none opposed to setting a public hearing for April 15, 2019 at 7:02 pm regarding proposed LL 2019-7, amendments to Section 200-23 & 200-28 C, Parking for bars and restaurants. Advertisements will be placed in the appropriate publication.

## **BILLS**

Bills, as examined by members of the Board of Trustees were approved for payment in accordance with Abstracts #261 through #274 total of \$475,517.26 of 2019/2020 for the General, Water/Sewer, Electric, Trust and Agency Funds by motion of Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Rose and Pazzuti voting yes, none opposed.

## **CONSENT AGENDA**

Motion was made by Trustee Rose, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Rose, Wikman, Chamberlin and Pazzuti voting yes, none opposed to accept the consent agenda below.

PROJECT: 0000008708 - UTILITY CHANGES-ELECTRIC

TYPE: ELECTRIC

PROPERTY: 164 MILL ST

ISSUED DATE: 2/25/2019

ISSUED TO: PETERMAN, RENEE

164 MILL ST

SPRINGVILLE, NY 14141

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PROJECT: 0000008709 - NONRESIDENTIAL STRUCTURAL TYPE:  
PROPERTY: 37 N BUFFALO ST HISTORIC PRESERV REVIEW  
APPLIED DATE: 2/28/2019  
ISSUED TO: SPRINGVILLE CENTER FOR THE ART  
37 N BUFFALO ST, PO BOX 62  
SPRINGVILLE, NY 14141

PROJECT: 0000008710 - PLANNING BOARD REVIEW-SUBDIVISION TYPE:  
PROPERTY: RAUCH DR PLANNING BOARD REVIEW  
ISSUED DATE: 2/28/2019  
ISSUED TO: GERNATT ASPHALT PRODUCTS  
13870 TAYLOR HOLLOW DRIVE  
COLLINS, NY 14034

PROJECT: 0000008711 - RESIDENTIAL HOME/STRUCTURAL TYPE:  
PROPERTY: 63 PROSPECT AVE RESIDENTIAL HOME/STRUCT  
ISSUED DATE: 3/01/2019  
ISSUED TO: ALLIANCE HOMES  
4727 CAMP ROAD  
HAMBURG, NY 14075

PROJECT: 0000008712 - VIOLATION-PLOWING ACROSS ROAD TYPE:  
PROPERTY: 37 SUNSET LANE VIOLATION  
ISSUED DATE: 3/01/2019  
ISSUED TO: BRECKER, JEFF & COLLEEN  
37 SUNSET LANE  
SPRINGVILLE, NY 14141

PROJECT: 0000008713 - VIOLATION-GARBAGE AT CURB TYPE:  
PROPERTY: 176 W MAIN ST VIOLATION  
ISSUED DATE: 3/01/2019  
ISSUED TO: HART, COLIN  
96 E MAIN ST  
FREDONIA, NY 14063

PROJECT: 0000008714 - RESIDENTIAL ALTERATION TYPE:  
PROPERTY: 62 E MAIN ST RESIDENTIAL ALTERATION  
ISSUED DATE: 3/01/2019  
ISSUED TO: COCCA, WENDY  
58 N EDGEWOOD DR  
SPRINGVILLE, NY 14141

PROJECT: 0000008715 - UTILITY CHANGES-PLUMBING TYPE:  
PROPERTY: 91 SPRING ST UTILITY CHANGES  
ISSUED DATE: 3/05/2019  
ISSUED TO: SNYDER, ROY M  
91 SPRING ST  
SPRINGVILLE, NY 14141

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PROJECT: 000008716 - VIOLATION-FURNITURE AT ROAD  
PROPERTY: 190 WAVERLY ST  
ISSUED DATE: 3/07/2019  
ISSUED TO: BACON, CHRISTEN  
190 WAVERLY ST.  
SPRINGVILLE, NY 14141

TYPE:  
VIOLATION

PROJECT: 000008717 - SIGNS  
PROPERTY: 100 S CASCADE DR  
ISSUED DATE: 3/08/2019  
ISSUED TO: PREMIER SIGN SYSTEMS, LLC  
10 EXCEL DR  
ROCHESTER, NY 14621

TYPE: SIGNS

PROJECT: 000008718 - UTILITY CHANGES-PLUMBING  
PROPERTY: 104 SMITH ST  
ISSUED DATE: 3/11/2019  
ISSUED TO: MOWERY, CODY  
104 SMITH ST  
SPRINGVILLE, NY 14141

TYPE:  
PLUMBING

PROJECT: 000008719 - NONRES NONSTRUCTURAL-GRANT  
PROPERTY: 35 E MAIN ST S-A  
ISSUED DATE: 7/01/2016  
ISSUED TO: NEUREUTHER, LIESLE & BRODIE  
11531 ALLEN RD  
EAST CONCORD, NY 14055

TYPE:  
NONRES NONSTRUCTURAL

## TRUSTEE NOTES & PROJECT REPORTS

Trustee Chamberlin had nothing to report this evening.

Trustee Pazzuti had nothing to report this evening.

Trustee Rose had nothing to report this evening.

Trustee Wikman had nothing to report this evening.

Mayor Krebs reported on the partnership between the Town of Concord, Village of Springville and Springville Center for the Arts to work on the Concerts in the Park concert series.

22. Executive Session Motion was made by Trustee Chamberlin, seconded by Trustee Rose; carried, Mayor Krebs, Trustees Chamberlin, Rose, Pazzuti and Wikman voting yes, none opposed to adjourn to Executive Session at 8:30 pm to discuss the following;
- Lawsuit updates
    - Town of Sardinia vs. Village of Springville
    - Village of Springville vs. Weber
  - Potential employment review
23. Adjourn Motion was made by Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin, Pazzuti and Rose voting yes, none opposed to adjourn the Regular Session at 9:00 pm.

Respectfully submitted,

Holly Murtiff  
Deputy Clerk

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ATTACHMENT NO. A 2

VILLAGE OF SPRINGVILLE  
2019 MINUTES

AGENDA DATE 4/1/19

March 18, 2019

8:30 PM

An Executive Session of the Trustees of the Village of Springville was held at the Village Municipal Building, 65 Franklin Street, Springville, New York at the above date and time. Present were:

Mayor	William J. Krebs
Trustees	Alan L. Chamberlin Elise Rose Kim Pazzuti Nils A. Wikman
Village Administrator	Elizabeth Melock
Village Attorney	Paul Weiss
BI/CEO	Michael Kaleta (excused at 8:40pm)
Deputy Clerk	Holly Murtiff

1. Zoning Board Applicants Those attending discussed the applicants for the upcoming open Zoning Board position.
2. Legal Matter Those attending discussed the ongoing legal matter regarding the Village of Springville vs. Weber (37 S. Central Ave.). BI/CEO Kaleta was excused at this time.
3. Legal Matter Those remaining discussed the ongoing legal matter regarding the Town of Sardinia vs. Village of Springville.
4. Adjourn Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Pazzuti and Rose voting yes, none opposed to adjourn to Regular Meeting at 9:00 pm.

Respectfully submitted,

Holly Murtiff  
Deputy Clerk

MAYORS APPOINTMENTS 2019-2020

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, and carried; Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed confirming the appointment by Mayor Krebs of the following duties for one year appointments effective for the term April 2, 2019 to April 6, 2020;

- Deputy Mayor (Nils Wikman) \_\_\_\_\_
- Emergency Services Coordinator (Michael J. Willibey) \_\_\_\_\_
- Associate Justice (Jeffrey P. Markello) \_\_\_\_\_

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_; carried, Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed confirming the annual appointments by Mayor Krebs of the following duties for one year appointments effective for the term April 2, 2019 to April 6, 2020;

- Village Attorney (Paul Weiss) \_\_\_\_\_
- Village Prosecutor (Paul Weiss) \_\_\_\_\_
- Deputy Village Prosecutor (Yvonne Tripi) \_\_\_\_\_

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, and carried; Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed confirming the appointment by Mayor Krebs of the following Liaison Duties for one year appointments effective for the term April 2, 2019 to April 6, 2020;

- Electric Division (Elise Rose) \_\_\_\_\_
- Fire Department (Nils Wikman) \_\_\_\_\_
- Water and Sewer Division (Kim Pazzuti) \_\_\_\_\_
- Wastewater Treatment Plant (Kim Pazzuti) \_\_\_\_\_
- NEST (Elise Rose) \_\_\_\_\_
- Control Center (Alan L. Chamberlin) \_\_\_\_\_
- Youth Incorporated (Kim Pazzuti) \_\_\_\_\_
- Streets Division (Nils Wikman) \_\_\_\_\_
- Safety Committee (Elise Rose) \_\_\_\_\_

Southtowns Planning and Dev. Group	(Nils Wikman)	_____
Southtowns Scenic Byway	(William J. Krebs)	_____
Health Insurance Committee	(Nils Wikman)	_____
Erie County Water Quality Committee	(Elise Rose)	_____
Erie County Sheriff's Department	(William J. Krebs)	_____
Springville Police Department	(William J. Krebs)	_____
Building Inspector/CEO	(Nils Wikman)	_____
Village Office	(William J. Krebs)	_____
Zoning/Planning Boards	(Alan L. Chamberlin)	_____
Historic Preservation Commission	(Elise Rose)	_____
Springville Area Chamber of Commerce	(William J. Krebs)	_____
Friends of Erie/Catt Rail Trail	(Alan L. Chamberlin)	_____

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_; and carried, Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed to naming Freed Maxick, CPAs as the auditing firm for the Village of Springville.

Resolution was adopted by Motion of Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, and carried; Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed, naming the *Springville Journal* as the official newspaper of the Village of Springville.

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, and carried; Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed, confirming the appointment by Mayor Krebs of David Batterson as Village Historian for the term April 2, 2019 to April 6, 2020.

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, and carried; Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed, confirming the appointment by Mayor Krebs of Dawn Simmons as Deputy Treasurer for the Village of Springville, for the term April 2, 2019 to April 6, 2020.

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, and carried; Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed, confirming the appointment by Mayor Krebs of Holly Murtiff as Deputy Clerk for the Village of Springville, for the term April 2, 2019 to April 6, 2020.

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_ and carried; Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed, authorizing membership in and attendance at the following meetings, and payment of actual and necessary expenses thereof for the following:

Annual Conference of Mayors (NYCOM)

Annual Municipal Electric Utilities Associates (MEUA) of New York State

Annual New York Municipal Power Agency (NYMPA)

Scheduled Meetings of:

American Public Power Association  
American Public Works Association  
American Water Works Association  
Association of Erie County Governments  
Association of Erie County Highway Superintendents  
Erie County Village Officials Association  
Erie County Village Superintendents  
Erie County Water Quality Committee  
Erie/Cattaraugus Rails to Trails  
Friends of Erie/Cattaraugus Rail Trail  
Governmental Finance Officers Association of New York State  
IEEP (Independent Energy Efficiency Program)  
LEWPA (Lake Erie Watershed Protection Alliance)  
Municipal Administrative Officers Association of Erie County  
Municipal Finance Officers Association  
National Trust Main Street  
NY Rural Water  
NYS City/County Management Association  
New York State Association of City and Village Clerks  
Niagara Frontier Building Officials Association  
Northeast-Southtowns Solid Waste Management Board (NEST)  
Organization of Public Employer Negotiators (OPEN)  
Pop Warner Trail Steering Committee  
Preservation League of NYS  
Southtowns Planning and Development Group  
Southern Tier West Local Government Annual Conference  
Southtowns Rural Preservation Co., Inc. (NYS Rural Preservation Program)  
Springville Area Chamber of Commerce  
Western New York Southtowns Scenic Byway Committee

Other reasonable meetings of the Water Works Association, MEUA, NYMPA or Mayor's Conference.

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, and carried; Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed, adopting the **VILLAGE BOARD OF TRUSTEES MEETING SCHEDULE** for the June 1, 2019, through May 31, 2020, fiscal year, as follows:

June 3, 2019	June 17, 2019
July 8, 2019	August 12, 2019
September 9, 2019	October 7, 2019
October 21, 2019	November 4, 2019
November 18, 2019	December 2, 2019
December 16, 2019	January 6, 2020
January 21, 2020 *	February 3, 2020

\*(Tuesday, MLK holiday)

February 18, 2020 *	March 2, 2020
*(Tuesday, President's Day holiday)	
March 16, 2020	April 6, 2020
April 20, 2020	May 4, 2020
May 18, 2020	

In addition to the above regularly scheduled meetings, Special Meetings will be scheduled as needed, along with Joint Village Board/Town Council Meetings, Budget Work Meetings, Union Negotiations and Committee Assignment Meetings.

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, and carried; Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed, scheduling Village Board Meetings for the June 1, 2019 to May 31, 2020 fiscal year at 7:00 PM. at 65 Franklin Street, Springville, New York.

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, and carried, Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed, confirming the appointment by the Board of Trustees of Greg Keyser to the Planning as a Board Member for a five (5) year term (2024).

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, and carried, Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed, confirming the appointment by the Board of Trustees of Kim Krzemien to the Zoning Board of Appeals as a member for five (5) year term (2024).

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, and carried, Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed, confirming the appointment by the Board of Trustees of Don Orton to the Historic Preservation Commission as a member for a four (4) year term (2023).

Resolution was adopted by motion of Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, and carried; Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed, to use Town of Concord Tax Assessment Roll so far as practicable for Village of Springville tax purposes.

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, and carried, Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed, confirming the appointments by Mayor Krebs to the ADA Committee, as follows:

- (John Baronich) \_\_\_\_\_
- (Dr. Robbin Hansen) \_\_\_\_\_
- (Timothy O'Neal) \_\_\_\_\_
- (Claudia Wolniewicz) \_\_\_\_\_
- (Nils Wikman, Chairman) \_\_\_\_\_

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, and carried; Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed confirming the appointment by Mayor Krebs, of William Krebs as Affirmative Action Officer for the Village of Springville.

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, and carried; Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting, yes, none opposed appointing Mayor William J. Krebs and Trustee Nils Wikman, as the discrimination/harassment committee for the Village of Springville.

Motion was made by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, and carried; Mayor Krebs, Trustees \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting yes, none opposed to reimbursing mileage at .58 cents a mile.

# ANNUAL APPOINTMENTS & ELECTIONS

## Village Board

<u>Name</u>	<u>Position/Title</u>	<u>Term Expiration</u>	<u>Term</u>
Bill Krebs	Mayor	2022	4 yrs.
Alan Chamberlin	Trustee	2020	4 yrs.
Kim Pazzuti	Trustee	2022	4 yrs.
Elise Rose	Trustee	2022	4 yrs.
Nils Wikman	Deputy Mayor	2020	4 yrs.

## Justice

Kelly O'Neal Adams	Justice	2020	4 yrs.
Jeffrey Markello	Associate Justice	2020	1 yr.

## Village Officials

Liz Melock	Administrator, Clerk/Treasurer	2020	2 yrs.
Paul Weiss	Village Attorney	2020	1 yr.
Paul Weiss	Village Prosecutor	2020	1 yr.
Yvonne Tripi	Deputy Prosecutor	2020	1 yr.
David Batterson	Village Historian	2020	1 yr.
Darlene Schweickert	Village Registrar	2021	3 yr.
Bill Krebs	Affirmative Action Officer	2020	1 yr.
Dawn Simmons	Deputy Treasurer	2020	1 yr.
Holly Murtiff	Deputy Clerk	2020	1 yr.
Michael J. Willibey	Emergency Services Coordinator	2020	1 yr.

## Planning Board

<u>Name</u>	<u>Position/Title</u>	<u>Term Expiration</u>	<u>Term</u>
Joe Emerling	Member	2020	5 yrs.
Ken Heidle	Member	2023	5 yrs.
Renee Miranda	Member	2022	5 yrs.
Greg Keyser	Member	2024	5 yrs.
Bob Muhlbauer	Chairman	2021	5 yrs.

## Zoning Board

<u>Name</u>	<u>Position/Title</u>	<u>Term Expiration</u>	<u>Term</u>
Jeremy Raynor	Member	2020	5 yrs.
Kim Krzemien	Member	2024	5 yrs.
Timothy O'Neal	Member	2023	5 yrs.
Kate Moody	Member	2021	5 yrs.
Joseph Wolniewicz	Chairman	2022	5 yrs.

## Historic Preservation Commission

<u>Name</u>	<u>Position/Title</u>	<u>Term Expiration</u>	<u>Term</u>
Bill Skura	Member	2022	4 yrs.
John Baronich	Member	2021	4 yrs.
Helen Brogan	Member	2020	4 yrs.
Don Orton	Member	2023	4 yrs.
Dave Batterson	Chairman	2022	4 yrs.

# ANNUAL APPOINTMENTS & ELECTIONS

## Discrimination/Harassment Committee

<i>Nils Wikman</i>	<i>Member</i>	<i>2020</i>	<i>1 yr.</i>
<i>William Krebs</i>	<i>Member</i>	<i>2020</i>	<i>1 yr.</i>

## ADA Committee

<i>John Baronich</i>	<i>Member</i>	<i>2020</i>	<i>1 yr</i>
<i>Dr. Robin Hansen</i>	<i>Member</i>	<i>2020</i>	<i>1 yr</i>
<i>Timothy O'Neal</i>	<i>Member</i>	<i>2020</i>	<i>1 yr</i>
<i>Claudia Wolniewicz</i>	<i>Member</i>	<i>2020</i>	<i>1 yr</i>
<i>Nils Wikman</i>	<i>Chairman</i>	<i>2020</i>	<i>1 yr</i>

## Department Liaison

<u>Name</u>	<u>Department or Committee</u>	<u>Term Expiration</u>	<u>Term</u>
<i>Nils Wikman</i>	<i>Fire Department</i>	<i>2020</i>	<i>1 yr</i>
<i>Elise Rose</i>	<i>Electric Division</i>	<i>2020</i>	<i>1 yr</i>
<i>Kim Pazzuti</i>	<i>Water &amp; Sewer Division</i>	<i>2020</i>	<i>1 yr</i>
<i>Kim Pazzuti</i>	<i>Wastewater Treatment Plant</i>	<i>2020</i>	<i>1 yr</i>
<i>Elise Rose</i>	<i>NEST</i>	<i>2020</i>	<i>1 yr</i>
<i>Alan Chamberlin</i>	<i>Control Center</i>	<i>2020</i>	<i>1 yr</i>
<i>Kim Pazzuti</i>	<i>Youth Incorporated</i>	<i>2020</i>	<i>1 yr</i>
<i>Nils Wikman</i>	<i>Streets Division</i>	<i>2020</i>	<i>1 yr</i>
<i>Elise Rose</i>	<i>Safety Committee</i>	<i>2020</i>	<i>1 yr</i>
<i>Nils Wikman</i>	<i>Southtowns Planning &amp; Development</i>	<i>2020</i>	<i>1 yr</i>
<i>Bill Krebs</i>	<i>Southtowns Scenic Byway</i>	<i>2020</i>	<i>1yr</i>
<i>Nils Wikman</i>	<i>Health Insurance Committee</i>	<i>2020</i>	<i>1 yr</i>
<i>Elise Rose</i>	<i>Erie County Water Quality Committee</i>	<i>2020</i>	<i>1 yr</i>
<i>Bill Krebs</i>	<i>Erie County Sheriff</i>	<i>2020</i>	<i>1 yr</i>
<i>Bill Krebs</i>	<i>Springville Police Department</i>	<i>2020</i>	<i>1 yr</i>
<i>Nils Wikman</i>	<i>Building Inspection/CEO</i>	<i>2020</i>	<i>1 yr</i>
<i>Bill Krebs</i>	<i>Village Office</i>	<i>2020</i>	<i>1 yr</i>
<i>Alan Chamberlin</i>	<i>Planning &amp; Zoning Boards</i>	<i>2020</i>	<i>1 yr</i>
<i>Elise Rose</i>	<i>Historic Preservation</i>	<i>2020</i>	<i>1 yr</i>
<i>Bill Krebs</i>	<i>Springville Chamber of Commerce</i>	<i>2020</i>	<i>1 yr</i>
<i>Alan Chamberlin</i>	<i>Friends of the Erie Catt Rail Trail</i>	<i>2020</i>	<i>1yr</i>

ATTACHMENT NO. A4

AGENDA DATE 4/1/19

Board Meeting 4/1/19

1. Rescind Village Code Chapter 200 Section 119-132 Article XVII Telecommunication Facilities. LL4 will replace this chapter.
2. Adopt/Table LL4 of 2019 Wireless Telecommunications Facilities. See attached copy of the law.
3. Modify Fee Schedule to Include Wireless Telecommunication Fees Chapter 200-119 . See attached fee schedule.
4. Adopt/Table LL5 of 2019 Amendment to Section 200-5 Boundaries of Districts on Zoning Map for 243 W. Main St. See attached copy of the law.
5. Approve AT&T lease for attaching to cell tower after approval by the village attorney.
6. Amend Per Diem Policy in the Village Handbook. See attached sheet.

Discussion:

1. Parking Ban is over.
2. Totes to be delivered to residents June 5<sup>th</sup> & 6<sup>th</sup> right now for biweekly recycling. All recyclables must be inside the tote.

**Local Law 4 of 2019 WIRELESS TELECOMMUNICATIONS FACILITIES**

VILLAGE BOARD VILLAGE OF SPRINGVILLE  
A LOCAL LAW TO REPLACE CHAPTER 200, ARTICLE XVII SECTION 119-132  
OF THE CODE OF THE VILLAGE OF SPRINGVILLE

BE IT ENACTED by the Village Board of the Village of Springville as follows:

**Section 1.** Chapter 200, Article XVII, Section 119-132, entitled "Telecommunications Facilities" is hereby deleted in its entirety.

**Section 2.** Chapter 200, Article XVII, Section 119 entitled "Wireless Telecommunication Facilities," is hereby created as follows:

**§ 200-119.2-1 Purpose and legislative intent.**

- A. The purpose of this section is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless telecommunication facilities in the Village of Springville. While the Village recognizes the importance of wireless communication facilities in providing high quality communication service to its residents and business, the Village also recognizes that it has an obligation to protect public safety and to minimize the adverse effects of such facilities.
- B. By enacting this chapter, the Village intends to:
- (1) Provide for the managed development of wireless telecommunication facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of Village residents and wireless carriers in accordance with federal, state and local laws and regulations;
  - (2) Establish fair and efficient processes for review and approval of applications;
  - (3) Establish procedures for the design, siting, construction, installation, maintenance and removal of wireless telecommunication facilities in the Village;
  - (4) Address and provide for new wireless technologies, including but not limited to micro cell and distributed antenna systems ("**DAS**") technologies;
  - (5) Encourage the collocation of wireless communication facilities, on existing structures rather than the construction of a new support structures; and
  - (6) Protect Village residents and businesses from potential adverse impacts of wireless communication facilities, to the extent permitted under law, and to attempt to preserve the visual character of established communities and the natural beauty of the landscape.

- (7) Minimize safety hazards and avoid potential damage to adjacent properties through proper locational, engineering and operational requirements.
- (8) Minimize adverse visual and aesthetic impacts of wireless telecommunication facilities to the maximum extent practicable through careful design, siting, landscaping, screening and innovative camouflaging techniques.
- (9) Protect the physical appearance of the Village and preserve its scenic and natural beauty.
- (10) Protect the public health, safety and welfare.
- (11) Protect property values of the community.
- (12) Minimize the impact of such facilities on residential properties.
- (13) Encourage the siting of wireless telecommunication services facilities on properties and areas which are not used exclusively for residential purposes.
- (14) Protect, to the maximum extent practicable, aesthetic qualities, the open space character of the Village of Springville, the property values of the community, the health and safety of citizens and a citizen's ability to receive communication signals without interference from other communication providers, while not unreasonably limiting competition among communication providers.

#### **§ 200-119.2-2 Definitions.**

As used in this section, the following terms shall have the meanings indicated:

#### **ACCESSORY OR ANTENNA EQUIPMENT**

Any equipment serving or being used in conjunction with wireless telecommunications facilities and located on the same property or lot as the wireless telecommunications facilities, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, buildings and similar structures and, when collocated on a structure, is mounted or installed at the same time as an antenna.

#### **ANTENNA**

An apparatus designed for the purpose of emitting radio frequency (RF) radiation, to be operated or operating from a fixed location, for the provision of personal wireless service (whether on its own or with other types of services). For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under part 15 of Title 47 of the United States Code.

#### **BASE STATION**

A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network.

- (1) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (2) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and micro-cell networks).
- (3) The term includes any structure that supports or houses equipment described in paragraphs (i) through (ii) above that has been reviewed and approved under the applicable zoning or siting process, even if the structure was not built for the sole or primary purpose of providing such support.
- (4) The term does not include any structure that, at the time the relevant application is filed with the Village under this section, does not support or house equipment described in paragraphs (i)-(ii) of this section.

### **COLLOCATION**

Consistent with the Nationwide Programmatic Agreement (NPA) for the Collocation of Wireless Antennas, means:

- (1) Mounting or installing an antenna facility on a pre-existing structure; and/or
- (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

### **DISTRIBUTED ANTENNA SYSTEM (DAS)**

Network of spatially separated antenna sites connected to a common source that provides wireless communication service within a geographic area or structure.

### **EAF**

The environmental assessment form approved by the New York State Department of Environmental Conservation.

### **FAA**

The Federal Aviation Administration, or its duly designated and authorized successor agency.

### **FCC**

The Federal Communications Commission, or its duly designated and authorized successor agency.

**HEIGHT**

When referring to a structure, the distance measured from the preexisting grade level to the highest point on the structure, including the antenna and any other appurtenances.

**LARGE WIRELESS FACILITY**

Any wireless telecommunications facility that is not a small wireless facility.

**MICRO CELL FACILITY**

Micro cells are low-powered wireless base stations that function like cells in a mobile wireless network, typically covering targeted indoor or localized outdoor areas ranging in size from homes and offices to stadiums, shopping malls, hospitals, and metropolitan outdoor spaces. A micro cell facility meets both the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed element, the Antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and (ii) all other wireless equipment associated with the facility is cumulatively no more than 17 cubic feet in volume.

**MODIFICATION**

The improvement, upgrade or expansion of existing wireless communication facilities, or the improvement, upgrade or expansion of the wireless communications facilities located within an existing equipment compound if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless communication facilities.

**MONOPOLE**

A wireless communication support structure which consists of a single pole designed and erected on the ground or on top of a structure, to support wireless communication antenna and accessory equipment.

**NIER**

Nonionizing electromagnetic radiation.

**PERSON**

Any individual, corporation, estate, trust, partnership, joint stock company, association of two or more persons having a joint common interest, or any other entity.

**PUBLIC RIGHT-OF-WAY**

Any way over which the public possesses the right to travel, which heretofore has been duly laid out, adopted and established by law, whether publicly owned or not. The term "road" includes state, county and Village highways and roads, streets, squares, places, courts, boulevards, parkways and other ways however designated to which the public has access.

**REPLACEMENT**

The replacement of existing wireless communication antenna on any existing support structure or on existing accessory equipment for maintenance, repair or technological

advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight, and height as the existing wireless communication antenna and which does not substantially change the physical dimensions of any existing support structure.

### **SMALL WIRELESS FACILITY**

A wireless telecommunication facility, including but not limited to DAS and micro cells, that meets each of the following conditions:

- (1) The structure on which antenna facilities are mounted:
  - (i) Is 50 feet or less in height, or
  - (ii) Is no more than 10 percent taller than other adjacent structures, or
  - (iii) Is not extended to a height of more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
- (2) Each antenna (excluding associated antenna equipment) is no more than three cubic feet in volume; and
- (3) All antenna equipment associated with the facility (excluding antennas and backup power and related backup power equipment) are cumulatively no more than 28 cubic feet in volume; and
- (4) The facility does not require antenna structure registration under Part 17;
- (5) The facility is not located on Tribal lands, as defined under 36 C.F.R. § 800.16(x); and
- (6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in Rule 1.1307(b).

### **STEALTH TECHNOLOGY**

Camouflaging methods applied to wireless communication facilities which render them more visually appealing or which serve to blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted facilities, building-mounted antenna painted to match the existing structure, and facilities constructed to resemble trees, shrubs, light poles, and the like.

### **STRUCTURE**

Means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

## **SUBSTANTIAL CHANGE**

A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (1) The mounting of a proposed antenna on existing towers, that would increase the original height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than 10 feet, whichever is greater.
- (2) The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter;
- (3) The mounting of the proposed antenna would involve adding an appurtenance to the body of an existing wireless telecommunication support structure that would protrude from the edge of the original support structure more than 20 feet, or more than the original width of the support structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet, except that the mounting of the proposed antenna may exceed the size limits herein if necessary to shelter the antenna from inclement weather or to connect the antenna to the support structure via cable;
- (4) The mounting of the proposed antenna would involve excavation outside the current existing structure site, defined as the current boundaries of the leased or owned property surrounding the existing structure and any access or utility easements currently related to the site;
- (5) The modification defeats concealment and/or stealth elements of the support structure; or
- (6) The modification does not comply with prior conditions of the approval for the existing structure and/or site; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

## **TRANSMISSION EQUIPMENT**

Equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

## **UTILITY POLE**

A pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic control, signage, or a similar function regardless of ownership, including Village-owned poles or poles owned by other utility companies. Any utility pole in excess of 50 feet shall be deemed a tower.

## **WIRELESS TELECOMMUNICATIONS FACILITY**

A structure, facility or location designed or intended to be used as, or used to support, antennas, along with any antennas located on such structure and any accessory equipment. It includes, without limit, freestanding towers, guyed towers, monopoles, DAS, micro cell or small wireless facilities on utility poles in the public right-of-way or property of the Village or within the Village and similar structures that employ stealth technology, including but not limited to structures such as a multistory building, church steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an antenna or the functional equivalent of such. It includes any structure, antennas and accessory equipment intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave telecommunications or other cellular communication technologies, but excluding those used exclusively for the Village's fire, police and other dispatch telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar telecommunications.

## **WIRELESS TELECOMMUNICATIONS PROVIDER**

A wireless telecommunications infrastructure provider or a wireless telecommunications services provider.

### **§ 200-119.2-3. Permits for wireless telecommunications facilities.**

- A. Except as otherwise provided by this section, no person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of wireless telecommunication facilities without having first obtained either a special use permit for a large wireless facility or a small wireless permit for the a small wireless facility.
- B. Notwithstanding anything to the contrary in this section, any application for a wireless telecommunication facility that does not substantially change the dimensions of a wireless telecommunication facility, shall not require a special use permit or a small wireless facility permit. In the event that a modification to, or replacement of, an existing wireless telecommunications facility does not substantially change such existing wireless telecommunication facility, all that shall be required is a building permit from the Village Building Inspector.
- C. A repair and/or maintenance of an existing wireless telecommunications facility shall not require a special use permit or small wireless facility permit.
- D. In addition to the requirements set forth for the issuance of a small wireless facility permit or special use permit for a wireless telecommunication facility to be located in a public right-of-way as set forth in this section, any telecommunications provider seeking to place a wireless telecommunications facility in the public right-of-way shall also comply with the procedures and requirements set forth in Chapter 150 of the Village Code relating to conducting construction activities within the public right-of-way. To the extent any provisions in Chapter 150 are inconsistent with the provisions set forth in this section, the provisions in this section shall control.

- E. Notwithstanding the provisions set forth in this Section 200-119.2-3, in the event an application seeks to place a wireless telecommunication facility on property owned or controlled by the Village, other than within a Village owned public right-of-way, such application shall be exempt from the requirements of this section and shall remain within the sole and absolute discretion of the Village Board, which may impose such conditions on any such use as it deems appropriate. Nothing herein shall be deemed to create any right or entitlement to use Village property for such wireless telecommunication facility.
- F. In the event any conflict exists between federal or state laws or regulations and any provision of this Wireless Telecommunication law, the provisions of the most recently adopted federal or state laws or regulations shall be applied and control.

**§ 200-119.2-4 Small wireless facility permit required.**

- A. All small wireless facilities shall require a small wireless facility permit to be issued by the Planning Board.
- B. The Planning Board shall be empowered to condition the issuance of a building permit upon implementation of stealth technologies or other measures which mitigate visual effect.
- C. All applications for small wireless facilities permits shall comply with all applicable provisions of this section. However, notwithstanding anything to the contrary, where appropriate, the Planning Board shall have the authority to waive any requirements set forth in this section relating to an application for, or approval of, a small wireless facility permit, provided that it would further the purposes of this section.
- D. Unless otherwise set forth in this chapter, a DAS facility, micro cell facility or other type of wireless telecommunication facility not meeting the requirements set forth for small wireless facilities, shall require a special use permit from the Planning Board.

**§ 200-119.2-5 Applications for small wireless facilities.**

- A. Upon receipt of an application for a small wireless facility, the Planning Board shall review said application and plans in accordance with the standards and requirements set forth in in this chapter.
- B. The Planning Board may attach such conditions and safeguards to any small wireless facilities permit and site development plan as are, in its opinion, necessary to ensure initial and continued conformance to all applicable standards and requirements.
- C. No application shall be accepted and no small wireless facilities permit shall be issued for a property where the Building Inspector has found, or there exists, a violation of the Village Code and where such violation has not been corrected.
- D. Granting a small wireless facilities permit shall not waive the requirement for final site plan approval, including fees, in accordance with Chapter 200, Article XII 200-91, Site Plan Approval, if applicable.

- E. An application for a small wireless facilities permit shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the applicant, shall also sign the application. At the discretion of the Planning Board, any false or misleading statement in the application may subject the applicant to denial of the application without further consideration or opportunity for correction.
- F. The applicant must provide documentation to verify it has a legal interest in the site, if not within the public right-of-way. Said documentation may be in the form of a deed, contract or sale or lease for the property, depending on whether the applicant is the property owner, contract-vendee or lessee.
- G. The applicant shall include a statement, in writing, that:
- (1) The applicant's proposed small wireless facility shall be maintained in a safe manner and in compliance with all conditions of the small wireless facility permit, without exception, as well as all applicable and permissible federal, state and local laws, statutes, codes, rules and regulations; and
  - (2) The construction of the small wireless facility is legally permissible, including, but not limited to, the fact that the applicant is authorized to do business in the New York State.
- H. If proposing a new structure for the purpose of supporting a small wireless facility, the application shall be accompanied by a map which shows the applicant's existing and proposed area of coverage. Such map should locate all existing wireless telecommunication facility sites within the Village and within one-half (1/2) mile of the proposed small wireless facility.
- I. In addition to all other required information as stated in this section, all applications for the construction or installation of new small wireless facility or modification of an existing small wireless facility shall contain the following information:
- (1) A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;
  - (2) Documentation that demonstrates and proves the need for the small wireless facility to provide service primarily and essentially within the Village. Such documentation shall include, but not be limited to: (i) information relating to all other wireless telecommunication facilities or antennas associated with such wireless telecommunication facilities that are to be deployed in the Village in conjunction with the proposed small wireless facility; (ii) propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage;

- (3) The name, address and phone number of the person preparing the report;
- (4) The name, address, and phone number of the property owner, operator and applicant;
- (5) The postal address and Tax Map parcel number of the property;
- (6) The zoning district or designation in which the property is situated;
- (7) The size of the property stated both in square feet and lot line dimensions, and a survey prepared by a licensed professional surveyor showing the location of all lot lines, if the proposed small wireless facility is located outside the public right-of-way;
- (8) The location of the nearest residential structure;
- (9) The location, size and height of all existing and proposed structures on the property which is the subject of the application;
- (10) The type, locations and dimensions of all proposed and existing landscaping and fencing, if the proposed small wireless facility is located outside the public right-of-way;
- (11) The number, type and model of the antenna(s) proposed, with a copy of the specification sheet;
- (12) The make, model, type and manufacturer of the utility pole, monopole or other structure on which any antenna or accessory equipment for a small wireless facility is to be located and a design plan stating the structure's capacity to accommodate multiple users;
- (13) A site plan describing any new proposed structure and antenna(s) and all related fixtures, accessory equipment, appurtenances and apparatus, including but not limited to height above preexisting grade, materials, color and lighting;
- (14) The frequency, modulation and class of service of radio or other transmitting equipment;
- (15) The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts of the antenna(s);
- (16) Direction of maximum lobes and associated radiation of the antenna(s);
- (17) Applicant's proposed maintenance and inspection procedures and related system of records;
- (18) Documentation justifying to the total height of any proposed antenna and structure and the basis therefor. Such justification shall be to provide service within the Village, to the extent practicable, unless good cause is shown;
- (19) Certification that NIER levels at the proposed site will be and remain within the current threshold levels adopted by the FCC;

- (20) A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;
  - (21) A copy of the FCC license applicable for the intended use of the wireless telecommunication facilities; and
  - (22) Certification that a topographic and geomorphologic study and analysis has been conducted, and that, taking into account the subsurface and substrate, and the proposed drainage plan, the site is adequate to assure the stability of the proposed wireless telecommunications facilities on the proposed site, though the certifying engineer need not be approved by the Village.
  - (23) Information relating to the expected useful life of the proposed small wireless facility.
- J. The applicant shall furnish written certification that the small wireless facility and attachments are designed and will be constructed to meet all local, county, state and federal structural requirements for loads, including wind and ice loads. If the wireless facility is subsequently approved and constructed, as-built certification indicating that the facility has been constructed in accordance with all standards shall be furnished prior to the Village prior to issuance of any certificate of occupancy or compliance.
- K. All proposed small wireless facilities shall contain a demonstration that the facility will be sited so as to minimize visual intrusion as much as possible given the facts and circumstances involved with the proposed site and facility, will employ stealth technologies as directed by the Planning Board, where appropriate, and will thereby have the least adverse visual effect on the environment, the character of the community, surrounding properties and on the residences in the area of the wireless telecommunication facility.

#### **§ 200-119.2-6 General and Specific Requirements for small wireless facilities**

- A. Design. All small wireless facilities shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. All small wireless facilities shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Village.
- B. Wind and ice. All small wireless facilities structures shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended).
- C. Aviation safety. Small wireless facilities shall comply with all federal and state laws and regulations concerning aviation safety.
- D. Public safety communications. Small wireless facilities shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

- E. Radio frequency emissions. A small wireless facility shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. When a small wireless facility is complete, as-built readings will be taken and submitted to the Village.
- F. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
- (1) Small wireless facilities shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - (2) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Village's residents.
  - (3) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
  - (4) The owner or operator of a small wireless facility shall maintain standby power generators or batteries capable of powering the small wireless facility for at least (12) hours without additional public utility power and indefinitely with a continuous or replenished fuel supply, where appropriate. Such standby power shall activate automatically upon the failure of public utility power to the site. Notwithstanding the foregoing, the Planning Board may waive the requirement for back-up power, where appropriate, including but not limited to when a small wireless facility is not located in a densely populated area or on a major thoroughfare.

**§ 200-119.2-7 Approval procedures.**

- A. For small wireless facility applications the Planning Board may, at its discretion, require a public hearing.
- B. In any district, the Planning Board may grant a small wireless facility permit for the construction of the wireless telecommunication facility.
- C. All decisions of the Planning Board involving applications for a small wireless facility permit shall be in writing and supported by substantial evidence contained in a written record.
- D. Timeframes for Approval.
- (1) Within sixty (60) days of receipt of a complete application for the collocation of a small wireless facility on a preexisting utility pole, monopole or other existing wireless telecommunication facility support structure, the Planning Board shall make a final decision on whether to approve the application and shall notify the applicant in writing of such decision.
  - (2) Within ninety (90) days of receipt of a complete application for a small wireless facility

on a new utility pole, monopole or other new wireless telecommunication facility support structure, the Planning Board shall make a final decision on whether to approve the application and shall notify the applicant in writing of such decision.

(3) Within ten (10) days of receipt of an incomplete application for a small wireless facility, the Village shall notify the applicant in writing of any supplemental information required to complete the application. Upon receipt of an applicant's supplemental information in response to the initial notification of incompleteness by the Village, the applicable shot clock will reset to zero and the Village shall have the full sixty (60) or ninety (90) days permitted by law to act on the completed application.

(4) For any subsequent determinations of incompleteness beyond the initial, the Village shall notify the applicant of any required supplemental information within ten (10) days of receipt of the supplemental submission and such notice shall toll the applicable shot clock until the applicant submits the required supplemental information.

E. All time periods set forth in this Section reference calendar days.

#### **§ 200-119.2-8 Location.**

A. Applications for small wireless facilities shall locate, site and erect said facility in accordance with the following priorities, (1) being the highest priority and (7) being the lowest priority.

- (1) Collocation on existing utility poles, monopoles or other wireless telecommunication facility support structures on lands owned or controlled by the Village, not including the public rights-of-way;
- (2) Collocation on a site with existing wireless telecommunication facilities or other wireless telecommunication facility structures in the Village;
- (3) On other lands owned or controlled by the Village including but not limited to the Village public right-of-way;
- (4) On lands owned or controlled by other municipal corporations within the Village, to the extent permitted by such other municipal corporation;
- (5) On non-residential zoned properties;
- (6) On residential zoned properties; and
- (7) No small wireless facilities shall be permitted in the Springville Historic District, unless the applicant demonstrates to the Planning Board's satisfaction that the selected site is necessary to provide adequate service and no feasible alternative site exists. Approval shall be required from the Springville Village Historic Preservation Board Commission, as appropriate, before any small wireless facility is approved in the Springville Village Historic Preservation Board.

B. If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why

such a special use permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.

- C. An applicant may not bypass sites of higher priority by stating the site proposed is the only site leased or selected. An application shall address collocation as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the Planning Board why collocation is commercially impracticable.
- D. Notwithstanding the above, the Planning Board may approve any site located within the Village, provided that the Planning Board finds that the proposed site will further the purposes of this section, is in the best interest of the safety, public welfare, character and environment of the Village and will not have a deleterious effect on the nature and character of the community and surrounding properties.

**§ 200-119.2-9. Height.**

- A. Small wireless facilities shall be no higher than the minimum height necessary. The proposed height, which may be in excess of maximum height permitted for other structures in the applicable zone, shall address any additional height necessary to accommodate collocation by additional antenna arrays, but under no circumstances is the height to be in excess of what is permitted for small wireless facilities.

**§ 200-119.2-10 Setback.**

All wireless telecommunication support structures for small wireless facilities located outside the public right-of-way shall be set back from the property line of the lot on which it is located 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 10% of such total height. The Planning Board may reduce such setback requirements based upon consideration of lot size, topographic conditions, adjoining land uses, landscaping, other forms of screening and/or structural characteristics of the proposed support structure.

**§ 200-119.2-11 Visibility.**

- A. All small wireless telecommunication facilities shall be sited so as to have the least adverse visual effect on the environment and its character, on existing vegetation and on the residents in the area of the wireless telecommunications facilities sites. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under federal, state and local laws, statutes, codes, rules or regulations.
- B. Both the small wireless telecommunication facility and any and all accessory equipment shall maximize use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings.
- C. Small wireless telecommunication facilities shall not be artificially lighted or marked, except as required by law.
- D. Electrical and land-based telephone lines extended to serve the wireless telecommunication services facility sites shall be installed underground.

E. Stealth technologies shall be required to be employed in an effort to blend into the surrounding environment and minimize aesthetic impact.

F. Landscaping shall be provided, if appropriate.

**§ 200.119.2-12 Security.**

A. All small wireless telecommunication facilities and antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

- (1) All antennas and other supporting structures, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
- (2) Transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

**§ 200-119.2-13 Recertification of small wireless facilities permit.**

A. At the five-year anniversary date after the effective date for the small wireless facility permit and for all subsequent fifth anniversaries of the effective date of the original permit for small wireless telecommunications facilities, the holder of the small wireless facility permit shall submit a signed written document with the following information to the Village Building Department confirming the compliance of the small wireless facility with the small wireless facility permit. Such submission shall include the following:

- (1) The name of the holder of the small wireless facilities permit for the wireless telecommunications facilities.
- (2) The date of the original granting of the small wireless facilities permit.
- (3) Whether the small wireless facility has been modified since the issuance of the small wireless facilities permit and, if so, in what manner.
- (4) Any requests for waivers or relief of any kind whatsoever from the requirements of this section and any requirements for small wireless facilities permit.
- (5) Certification that the small wireless facilities are in compliance with the original small wireless facilities permit and in compliance with all applicable codes, laws, rules, regulations, Federal certification requirements including but not limited to this section.
- (6) Certification that the wireless telecommunications facility support structure, attachments and accessory equipment have been designed and constructed (as built) and continues to meet all local, county, state and federal structural requirements for loads, including wind and ice loads. Such certification shall be by a qualified New York State licensed professional engineer.

If the holder of a small wireless facility permit does not submit the certifications in Subsection A of this section within the time frame noted in Subsection A of this section, then such small wireless facilities permit shall terminate and any authorizations granted

thereunder shall cease to exist on the date of the fifth anniversary of the original granting of the special use permit, or subsequent fifth anniversaries, unless the holder of the small wireless facilities permit adequately demonstrates to the Planning Board that extenuating circumstances prevented a timely submission of such written certification. If the Village Building Inspector agrees that there were extenuating circumstances, then the holder of the expired small wireless facilities permit may submit a late recertification request or application for a new small wireless permit.

**§ 200-119.2-14 Application fees.**

At the time that a person submits an application for a small wireless facility, such person shall pay a nonrefundable application fee in an amount as determined by the Village Board and as set forth in the Village Fee Schedule, in addition to any other fee required by law.

**§ 200-119.2-15 Performance security for small wireless facilities.**

The applicant and the owner of record of any proposed small wireless facilities property site shall comply with any requirements set forth in Chapter 150 of the Village Code regarding the posting of security to place a small wireless facility in the public right-of-way.

**§ 200-119.2-16 Authority to inspect.**

In order to verify that the holder of a small wireless facilities permit and any and all lessees, renters, and/or licensees of small wireless facilities place and construct such facilities, including supporting structures, accessory equipment and antennas, in accordance with all applicable technical, safety, fire, building, and zoning laws, statutes, codes, rules, regulations and other applicable requirements, the Village may inspect at any time, upon providing reasonable notice, all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, structures, antennas, accessory equipment and electromagnetic output.

**§200-119.2-17 Liability insurance.**

A. An applicant for a small wireless facility permit shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the small wireless facilities permit in amounts as set forth below:

- (1) For collocation on existing wireless telecommunication facility structure, the insurance policies shall be in the following amounts:
  - a. Commercial general liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
  - b. Automobile coverage: \$1,000,000 per occurrence/ \$2,000,000 aggregate;
  - c. Workers' compensation and disability: statutory amounts.

- (2) For a small wireless facility located on a new wireless telecommunication structure the insurance policies shall be in the following amounts:
  - a. Commercial general liability covering personal injuries, death and property damage: \$5,000,000 per occurrence;
  - b. Automobile coverage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
  - c. Workers' compensation and disability: statutory amounts.
- B. For a small wireless telecommunication facility on Village property, the commercial general liability insurance policy shall specifically include the Village, the Village Board, other elected official, and the Village's officers, board members, employees, committee members, attorneys, agents and consultants as additional insureds.
- C. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a Best's rating of at least A.
- D. The insurance policies shall contain an endorsement obligating the insurance company to furnish the Village with at least 30 days' prior written notice in advance of the cancellation of the insurance.
- E. Renewal or replacement policies or certificates shall be delivered to the Village at least 15 days before the expiration of the insurance that such policies are to renew or replace.
- F. Prior to the issuance of a permit for a small wireless facility, the applicant shall deliver to the Village a copy of each of the policies or certificates representing the insurance in the required amounts.

**§ 200-119.2-18 Indemnification.**

Any approval for small wireless facilities that is proposed for Village property or in a public right-of-way pursuant to this section, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the Village and its elected officials, officers, board members, employees, committee members, attorneys, agents and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, product performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility; excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Village or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Village.

**§ 200-119.2-19 Annual NIER certification.**

The holder of any small wireless facilities permit shall, annually, certify to the Planning Board, or its authorized designee, that NIER levels at the site where a small wireless facility is located are within the threshold levels adopted by the FCC. In addition, the Village, at its own cost and expense, shall be permitted to conduct its own certification test of the NIER levels at the site where any small wireless facility is located, with or without notice to the wireless telecommunication provider. Once operational, but prior to providing service to customers, as-built readings will be provided to the Village.

**§ 200-119.2-20 Default and/or revocation of small wireless facilities permit.**

- A. If any small wireless facilities are constructed, repaired, rebuilt, placed, moved, relocated, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this section or of the small wireless facility permit conditions and requirements, or it is determined conclusively that the applicant made materially false or misleading statements during the application process, then the Planning Board or the Building Inspector, or their designee, shall notify the holder of the small wireless facilities permit in writing of such violation. Such notice shall specify the nature of the violation or noncompliance, and the violations must be corrected within seven (7) days of the date of the postmark of the notice, or of the date of personal service of the notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this section, if the violation or non-compliance causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the Planning Board or Building Inspector may, at their sole discretion, order the violation remedied within 24 hours.
- B. If within the period set forth in Subsection A above the small wireless facilities are not brought into compliance with the provisions of this section, or of the permit, or substantial steps are not taken in order to bring the affected small wireless facilities into compliance, then the Planning Board or the Building Inspector may revoke such small wireless facility permit and require removal of such small wireless facility pursuant to Section 200-119.2-21 below.

**§ 200-119.2-21 Removal.**

- A. Under the following circumstances, the Village may determine that the safety, public welfare, character and environment of the Village warrant and require the removal of small wireless facilities, under the following circumstances:
  - (1) The small wireless facility has been abandoned (i.e., not used as wireless telecommunication facilities) for a period exceeding 90 consecutive days or a total of 180 days in any three-hundred-sixty-five-day period, except for periods caused by force majeure or acts of God, in which case, repair or removal shall commence within 90 days;
  - (2) A permitted small wireless facility falls into such a state of disrepair that they create a safety hazard;

The small wireless facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required small wireless facilities

permit, or any other necessary authorization; or

- (3) Any small wireless facility is determined to be in violation pursuant to Section 200-119.2-19 above and fails to cure such violation within the time set forth in that Section.
- B. If the Planning Board makes a determination as noted in Subsection A of this section, then it shall notify the holder of the small facilities permit and the owner of the property in writing that said small wireless facilities are to be removed.
- C. The holder of the small wireless facilities permit or the owner of the property shall be required to dismantle and remove such small wireless facilities, and all accessory equipment and associated structures, from the site and return the site to its original condition and certify through soils or other testing that no contamination has been created by the facility, such restoration being completed, limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the Village to remove such small wireless facilities. However, if the owner of the property upon which the small wireless facilities are located wishes to retain any access roadway to the small wireless facilities, the owner may do so with the approval of the Village.
- D. If the small wireless facilities are not removed or substantial progress has not been made to remove the small wireless facilities within 90 days after the small facility permit holder has received such written notice of removal, then the Planning Board may order officials or representatives of the Village to remove the small wireless facilities at the sole expense of the property owner and/small wireless facility permit holder.
- E. If the Village removes or causes to be removed the small wireless facilities, and the owner of the wireless telecommunication facilities does not claim and remove them to a lawful location within 10 days, then the Village may take steps to declare the small wireless facilities abandoned and dispose of or sell them and their components and retain the proceeds therefrom. The Village may also cause the costs associated with the removal and disposal of the small wireless facilities to be assessed on the property in the same manner as a tax or assessment.

**§ 200-119.2-22 Additional requirements relating to small facility permits.**

- A. Non-commercial usage exemption. Village residents utilizing satellite dishes, citizen and/or band radios, and antenna for the purpose of maintaining television, phone, and/or internet connections at their residences shall be exempt from the regulations relating to small wireless facilities enumerated in this section.
- B. Prohibited on certain structures. No small wireless facility shall be located on single-family detached residences, single-family attached residences, twin-homes, duplexes, or any residential accessory structure.

**§ 200-119.2-23 Regulations applicable to small facility permits in the public right-of-way.**

In addition to the applicable small wireless facility permit provisions listed in this section, all small wireless facilities located in the public right-of-way shall be required to comply with

the following regulations:

- (1) Location. Small wireless facilities in the public right-of-way shall be collocated on existing wireless telecommunications facilities, whenever possible. If collocation is not technologically feasible, the applicant shall locate its small wireless facility on existing utility poles or other structures that do not already act as wireless telecommunication facility support structures.
- (2) Design Requirements:
  - a) All equipment shall be the smallest and least visibly intrusive equipment feasible.
  - b) Antenna and accessory equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
- (3) Equipment Location. Small wireless facilities and any accessory equipment in the public right-of-way shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the public right-of-way as determined by the Village. In addition:
  - a) In no case shall ground-mounted accessory equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb, or within four (4) feet of the edge of the cart way, or within an easement extending onto a privately-owned lot;
  - b) To the extent feasible, accessory equipment shall be placed underground. Ground-mounted accessory equipment that cannot be placed underground shall be screened from surrounding views, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Village. Ground-mounted accessory equipment shall be screened, when possible, by utilizing existing structures. If screening by utilizing existing structures is not possible, ground-mounted accessory equipment shall be made architecturally and aesthetically compatible with the surrounding area through the use of coatings, landscaping, and/or screening walls, enclosures or other stealth technology to the satisfaction of the Village.
  - c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Village.
  - d) Any graffiti on any small wireless facility support structure or any accessory equipment shall be removed within thirty (30) days upon notification by the Village at the sole expense of the owner.
  - e) Any proposed underground vault related to small wireless facilities shall be reviewed and approved by the Village.

- f) Accessory equipment attached to the small wireless facility support structure shall have such vertical clearance as the Planning Board may determine.
- (4) Relocation or removal of small wireless facilities in the public right-of-way. In addition to the removal provisions set forth in Section 200-119.21 above, within ninety (90) days following written notice from the Village, or such longer period as the Village determines is reasonably necessary, or such shorter period in the case of an emergency, an owner of a small wireless facility and any accessory equipment in the public right-of-way shall, at its own expense, temporarily or permanently remove, relocate, or change the position of any small wireless facility or accessory equipment when the Village, consistent with its police powers and any applicable Public Service Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- a) To construct, repair, maintain or install any Village or other public improvement located in the public right-of-way;
  - b) To prevent the interference with the operations of the Village or other governmental entity, in the public right-of-way;
  - c) Abandonment of a street or road or the release of a utility easement; or
  - d) An emergency as determined by the Village Board.

**§ 200-119.2-24 Reimbursement for the use of the public right-of-way.**

In addition to permit fees for a small wireless facility permit, every small wireless facility located in the public right-of-way is subject to the Village's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the public right-of-way. Such compensation for use of the public right-of-way shall be directly related to the Village's actual public right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other public right-of-way management activities by the Village. The owner of each small wireless facility permit shall pay an annual fee to the Village to compensate the Village for the Village's costs incurred in connection with the activities described above as determined by the Village Board and as set forth in the Village Fee Schedule.

**§ 200-119.2-25 Special use permit applications for large wireless facility applications.**

- A. Except as otherwise provided by this section, no large wireless facilities shall be installed, constructed or substantially changed until a special use permit application is reviewed and approved by the Planning Board and a special use permit has been issued.
- B. Upon receipt of an application for a large wireless facility the Planning Board shall review said application and plans in accordance with the standards and requirements set forth in this section. However, notwithstanding anything to the contrary, where appropriate, the Planning Board shall have the authority to waive any requirements set forth in this section relating to the an application for, or approval of, a special use permit for a large wireless

facility, provided that it would further the purposes of this section.

- C. The Planning Board may attach such conditions and safeguards to any permit and site development plan as are, in its opinion, necessary to ensure initial and continued conformance to all applicable standards and requirements.
- D. No application shall be accepted and no permit shall be issued for a large wireless facility on a property where the Building Inspector has found, or there exists, a violation of the Village Code and where such violation has not been corrected.
- E. Granting a special use permit shall not waive the requirement for final site plan approval, including fees, in accordance with Chapter 125, Article IX, Site Plan Approval.
- F. An application for a special use permit for a large wireless facility shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the applicant, shall also sign the application. At the discretion of the Planning Board, any false or misleading statement in the application may subject the applicant to denial of the application without further consideration or opportunity for correction.
- G. The applicant must provide documentation to verify it has a legal interest in the site where the large wireless facility is to be located. Said documentation may be in the form of a deed, contract or sale or lease for the property, depending on whether the applicant is the property owner, contract-vendee or lessee.
- H. The applicant shall include a statement, in writing, that:
  - (1) The applicant's proposed large wireless facility shall be maintained in a safe manner and in compliance with all conditions of the special use permit, without exception, as well as all applicable and permissible federal, state and local laws, statutes, codes, rules and regulations; and
  - (2) The construction of a large wireless facility is legally permissible, including, but not limited to, the fact that the applicant is authorized to do business in the New York State.
- I. The application shall be accompanied by a map in graphical form and in AutoCAD® or compatible drawing exchange file format, which shows the applicant's existing and proposed area of coverage. Such map should locate all existing facility sites within the Village and within one mile of the Village in bordering communities.
- J. In addition to all other required information as stated in this section, all applications for the construction or installation of new large wireless facilities, or any substantial change to an existing large wireless facility, shall contain the following information:
  - (1) A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;
  - (2) Documentation that demonstrates and proves the need for the large wireless facility to provide service primarily and essentially within the Village. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage;

- (3) The name, address and phone number of the person preparing the report;
- (4) The name, address, and phone number of the property owner, operator and applicant;
- (5) The postal address and Tax Map parcel number of the property;
- (6) The zoning district or designation in which the property is situated;
- (7) The size of the property stated both in square feet and lot line dimensions, and a survey prepared by a licensed professional surveyor showing the location of all lot lines;
- (8) The location of the nearest residential structure;
- (9) The location, size and height of all existing and proposed structures on the property which is the subject of the application;
- (10) The type, locations and dimensions of all proposed and existing landscaping and fencing, if the proposed facility is located outside the public rights-of-way;
- (11) The number, type and model of the antenna(s) proposed, with a copy of the specification sheet;
- (12) The make, model, type and manufacturer of the support structure and a design plan stating the support structure's capacity to accommodate multiple users;
- (13) A site plan describing the proposed support structure and antenna(s) and all related accessory equipment, fixtures, structures, appurtenances and apparatus, including height above preexisting grade, materials, color and lighting;
- (14) The frequency, modulation and class of service of radio or other transmitting equipment;
- (15) The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts of the antenna(s);
- (16) Direction of maximum lobes and associated radiation of the antenna(s);
- (17) Applicant's proposed support structure and accessory equipment maintenance and inspection procedures and related system of records;
- (18) Documentation justifying to the total height of any wireless telecommunications facility support structure and the basis therefor. Such justification shall be to provide service within the Village, to the extent practicable, unless good cause is shown;
- (19) Certification that NIER levels at the proposed site will be and remain within the current threshold levels adopted by the FCC;
- (20) A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;
- (21) A copy of the FCC license applicable for the intended use of the wireless telecommunication facilities;

Certification that a topographic and geomorphologic study and analysis has been conducted, and that, taking into account the subsurface and substrate, and the proposed

drainage plan, the site is adequate to assure the stability of the proposed wireless telecommunications facilities on the proposed site;

- (22) Identify the proposed location of emergency power supply and the decibel level emitted during testing and operation;
  - (23) Information relating to the expected useful life of the proposed large wireless facility;
  - (24) Construction details for the proposed tower, supporting structure, and base, including specifications for the maximum height of the tower or structure the proposed base could support; and
  - (25) Information relating to intended future collocations on the large wireless facility that may result in a further increase in the size or height of the proposed large wireless facility.
- K. In the case of a new wireless telecommunication facility support structure for a large wireless facility, the applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing wireless telecommunication support structure(s) or the use of alternative existing buildings or other structures within a one-half (1/2) mile radius of the site proposed. Copies of written requests and responses for shared use shall be provided to the Planning Board with the application, along with any letters of rejection stating the reason for rejection. Acceptable reasons for rejection include:
- (1) The proposed antenna and accessory equipment would exceed the structural capacity of the existing building or other structure, and its reinforcement cannot be accomplished at a reasonable cost.
  - (2) The proposed antenna and accessory equipment would cause radio frequency interference with other existing equipment for that existing building or other structure and the interference cannot be prevented at a reasonable cost.
  - (3) Such existing buildings or other structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - (4) A commercially reasonable agreement could not be reached with the owner of such building or other structure.
- L. The applicant shall furnish written certification that the wireless telecommunications facility, structure, foundation, attachments and accessory equipment are designed and will be constructed to meet all local, county, state and federal structural requirements for loads, including wind and ice loads. If the large wireless facility is subsequently approved and constructed, as-built certification indicating that the large wireless facility has been constructed in accordance with all standards shall be furnished to the Village prior to issuance of any certificate of occupancy or compliance.

- M. The applicant shall submit a completed long-form EAF. Based on circumstances of each application for a large wireless facility, the Planning Board may require submission of a detailed visual analysis.
- N. All proposed large wireless facilities shall contain a demonstration that the facility will be sited so as to minimize visual intrusion as much as possible given the facts and circumstances involved with the proposed site and facility, will employ stealth technologies where appropriate, and will thereby have the least adverse visual effect on the environment, the character of the community, surrounding properties and on the residences in the area of the large wireless facility.
- O. The applicant shall, in writing, identify and disclose the number and locations of any additional sites that the applicant has been, is or will be considering, reviewing or planning for wireless telecommunications facilities in the Village, and all municipalities adjoining the Village, for a two-year period following the date of the application.

**§ 200-119.2-26 General and specific requirements for large wireless facilities.**

Large wireless facilities are permitted in all zones subject to the restrictions and conditions prescribed below:

- A. Construction and design. All large wireless facilities shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any large wireless facilities shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any Person or any property in the Village.
- B. Wind and ice. All large wireless facilities structures shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended).
- C. Aviation safety. Large wireless facilities shall comply with all federal and state laws and regulations concerning aviation safety.
- D. Public safety communications. Large wireless facilities shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

- E. Radio frequency emissions. A large wireless facility shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. When a small wireless facility is complete, as-built readings will be taken and submitted to the Village.
- F. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
- (1) Large wireless facilities shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - (2) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Village's residents.
  - (3) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
  - (4) The owner or operator of a large wireless facility shall maintain standby power generators capable of powering the wireless telecommunications facility for at least twenty-four (24) hours without additional public utility power, and indefinitely with a continuous or replenished fuel supply. Such standby power shall activate automatically upon the failure of public utility power to the site. Notwithstanding the foregoing, the Planning Board may require standby power longer than twenty-four (24) hours where circumstances indicate sufficient space exists to accommodate longer periods of back-up power.

**§ 200-119.2-27 Approval procedures.**

- A. For any special use permit application the Planning Board shall hold a public hearing on due notice within 60 days after submission of a formal completed application, including such technical information from the applicant as may be required by the Planning Board for a special use permit under the provisions of this section.
- B. Notice of the public hearing shall be by publication in the official newspaper of the Village at least 10 days in advance of the hearing. The hearing notice shall indicate that the application may be examined and further information is available from the Planning Board office during regular business hours. Copies of the publication order shall be mailed by the applicant to the owners of property within 1,000 feet of the property which is the subject of the application, and an affidavit of service thereof shall be filed with the Planning Board due on or before the date of the hearing.
- C. In any district, the Planning Board may grant a special use permit for the construction of the

large wireless facilities for a period of five (5) years.

D. All decisions of the Planning Board involving applications for large wireless facilities shall be in writing and supported by substantial evidence contained in a written record.

E. Timeframes for Approval.

(1) Within thirty (30) days of receipt of any application for a large wireless facility, the Village shall notify the applicant in writing of any supplemental information required to complete the application. Such notification shall toll the applicable shot clock until the applicant submits the required supplemental information.

(2) Within ninety (90) days of receipt of an application for a collocated large wireless facility or one hundred fifty (150) days of receipt of an application for a new large wireless facility with accompanying support structure, including such technical information from the applicant as may be required by the Planning Board for a special use permit under the provisions of this section, the Village shall make a final decision on whether to approve the application and shall notify the applicant in writing of such decision.

F. All time periods set forth in this Section reference calendar days.

**§ 200-119.2-28 Location.**

A. Applications for special use permits for large wireless facilities shall locate, site and erect said wireless telecommunication facilities in accordance with the following priorities, one (1) being the highest priority and six (6) being the lowest priority.

(1) Collocation on existing wireless telecommunication facilities on lands owned or controlled by the Village, not including the public right-of-way;

(2) Collocation on a site with existing wireless telecommunication facilities or other tall structures in the Village;

(3) On other lands owned or controlled by the Village including but not limited to the Village public right-of-way;

(4) On lands owned or controlled by other municipal corporations within the Village, to the extent permitted by such other municipal corporation;

(5) On non-residential zoned properties;

(6) On residential zoned properties; and

(7) No large wireless facilities shall be permitted in the Springville Historic Districts, unless the applicant demonstrates to the Planning Board's satisfaction that the selected site is necessary to provide adequate service and no feasible alternative site exists. Approval shall be required from the Springville Village Historic Preservation Commission, as appropriate, before any large wireless facility is approved in the Springville Historic Districts.

- B. If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a special use permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.
- C. An applicant may not bypass sites of higher priority by stating the site proposed is the only site leased or selected. An application shall address collocation as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the Planning Board why collocation is commercially impracticable.
- D. Notwithstanding the above, the Village may approve any site located within the Village, provided that the Village finds that the proposed site is in the best interest of the safety, public welfare, character and environment of the Village and will not have a deleterious effect on the nature and character of the community and surrounding properties.

**§ 200-119.2-29. Height.**

Wireless telecommunication facility support structures shall be no higher than the minimum height necessary. The proposed height, which may be in excess of maximum height permitted for other structures in the applicable zone, shall address any additional height necessary to accommodate collocation by additional antenna arrays, but under no circumstances is the height to be in excess of 150 feet.

**§ 200-119.2-30 Setback.**

All large wireless facilities, including any support structures and accessory equipment, located outside the public right-of-way shall be set back from the property line of the lot on which it is located 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 10% of such total height. The Planning Board may reduce such setback requirements based upon consideration of lot size, topographic conditions, adjoining land uses, landscaping, other forms of screening and/or structural characteristics of the proposed support structure.

**§ 200-119.2-31 Visibility.**

- A. All large wireless facilities shall be sited so as to have the least adverse visual effect on the environment and its character, on existing vegetation and on the residents in the area of the wireless telecommunications facilities sites. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under federal, state and local laws, statutes, codes, rules or regulations.
- B. Both the large wireless facility and any and all accessory equipment shall maximize use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings.
- C. Large wireless facilities shall not be artificially lighted or marked, except as required by law.

Wireless telecommunication facility support structures for large wireless facilities shall be galvanized and/or painted with a rust-preventive paint of an appropriate color as specified by the Planning Board, to harmonize with the surroundings and shall be maintained in

accordance with the requirements of this section.

- D. Electrical and land-based telephone lines extended to serve the large wireless facility sites shall be installed underground.
- E. Stealth technologies shall be required to be employed in an effort to blend into the surrounding environment and minimize aesthetic impact.
- F. Landscaping shall be provided, if appropriate.

**§ 200-119.2-32 Security.**

- A. All large wireless facilities and antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:
  - (1) All antennas supporting structures, including guy anchor points and wires and accessory equipment shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
  - (2) Transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

**§ 200-119.2-33 Escrow for review costs.**

In accordance with the procedures set forth in by the Village Board, and to the extent permissible under federal law, for large wireless facility applications, the applicant shall be required to provide funds to an escrow account held by the Village to allow the Planning Board to retain such technical experts and other consultants as may be necessary to review the proposal, including, but not limited to, the review of financial and technical aspects of the proposal and of the financial, legal and technical practicability of alternatives which may be available to the applicant.

**§ 200-119.2-34 Recertification of special use permit.**

- A. At any time between 12 months and six months prior to the five-year anniversary date after the effective date for the special use permit for large wireless facilities and all subsequent fifth anniversaries of the effective date of the original special use permit for large wireless facilities, the holder of a special use permit for such large wireless facilities shall submit a signed written request to the Planning Board for recertification. In the written request for recertification, the holder of such special use permit shall note the following:
  - (1) The name of the holder of the special use permit for the wireless telecommunications facilities.
  - (2) The date of the original granting of the special use permit.
  - (3) Whether the large wireless facility has been modified since the issuance of the special use permit and, if so, in what manner.
  - (4) Any requests for waivers or relief of any kind whatsoever from the requirements of this section and any requirements for a special use permit.

Certification that the large wireless facilities are in compliance with the special use

permit and in compliance with all applicable codes, laws, rules, regulations and Federal certification requirements.

- (5) Certification that the wireless telecommunications support structure, base station and accessory equipment are designed and constructed (as built) and continue to meet all local, county, state and federal structural requirements for loads, including wind and ice loads. Such recertification shall be by a qualified New York State licensed professional engineer.

B. If, after such review, the Planning Board determines the permitted large wireless facility is in compliance with the special use permit and all applicable statutes, laws, local laws, ordinances, codes, rules and regulations, then the Planning Board shall recertify the special use permit for the large wireless facility, which may include any new provisions or conditions that are mutually agreed upon or required by applicable statutes, laws, local laws, ordinances, codes, rules and regulations. If, after such review, the Planning Board determines that the permitted large wireless facility is not in compliance with the special use permit and all applicable statutes, local laws, ordinances, codes, rules and regulations, then the Planning Board may refuse to issue a recertification of the special use permit for the large wireless facility, and, in such event, such large wireless facility shall not be used after the date that the applicant receives written notice of such decision by the Planning Board unless and until any deficiencies determined by the Planning Board are cured. Any such decision shall be in writing and supported by substantial evidence contained in a written record.

C. If the applicant has submitted all of the information requested by the Planning Board and required by this section, and if the Planning Board does not complete its review, as noted in Subsection B of this section, prior to the five-year anniversary date of the special use permit, or subsequent fifth anniversaries, then the applicant for the permitted large wireless facility shall receive an extension of the special use permit for up to six months in order for the Planning Board to complete its review.

D. If the holder of a special use permit for a large wireless facility does not submit a request for recertification of such special use permit within the time frame noted in Subsection A of this section, then such special use permit and any authorizations granted thereunder shall cease to exist on the date of the fifth anniversary of the original granting of the special use permit, or subsequent fifth anniversaries, unless the holder of the special use permit adequately demonstrates to the Planning Board that extenuating circumstances prevented a timely recertification request. If the Planning Board agrees that there were extenuating circumstances, then the holder of the special use permit may submit a late recertification request or application for a new special use permit.

#### **§ 200-119.2-35 Application fees.**

At the time that an application for a special use permit is submitted for a large wireless facility, or to renew any such application, a nonrefundable application fee shall be paid in an amount as determined by the Village Board and as set forth in the Village Fee Schedule, in addition to any other fee required by law.

**§ 200-119.2-36 Performance security for special permits.**

The applicant and the owner of record of any proposed large wireless facilities property site shall, at their cost and expense, be jointly required to execute and file with the Village a bond, or other form of security acceptable to the Village as to type of security and the form and

manner of execution, in an amount of at least \$75,000 for a large wireless facility on a new wireless telecommunication support structure and \$25,000 for a collocation on an existing wireless telecommunication facility support structure or other existing structure; and with such sureties as are deemed sufficient by the Planning Board to assure the faithful performance of the terms and conditions of this section and conditions of any special use permit issued pursuant to this section. The full amount of the bond or security shall remain in full force and effect throughout the term of the special use permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original special use permit

**§ 200-119.2-37 Authority to inspect.**

In order to verify that the holder of a special use permit for a large wireless facility and any and all lessees, renters, and/or licensees of large wireless facilities place and construct such facilities, including wireless telecommunication support structure, accessory equipment and antennas, in accordance with all applicable technical, safety, fire, building, and zoning laws, statutes, codes, rules, regulations and other applicable requirements, the Village may inspect at any time, upon providing reasonable notice, all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, wireless telecommunication support structures, antennas, accessory equipment, electromagnetic output and buildings.

**§200-119.2-38 Liability insurance.**

A. An applicant for a special use permit for a large wireless facility shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the special use permit in amounts as set forth below:

- (1) For collocation on any existing large wireless facility or other wireless telecommunication facility support structure, including existing utility poles or monopoles, the required insurance policies shall be in the following amounts:
  - a. Commercial general liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
  - b. Automobile coverage: \$1,000,000 per occurrence/ \$2,000,000 aggregate;

- c. Workers' compensation and disability: statutory amounts.
- (2) For all other large wireless facilities, the required insurance policies shall be in the following amounts:
- a. Commercial general liability covering personal injuries, death and property damage: \$5,000,000 per occurrence;
  - b. Automobile coverage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
  - c. Workers' compensation and disability: statutory amounts.
- B. For a large wireless facility on Village property, the commercial general liability insurance policy shall specifically include the Village, the Village Board, other elected official, and the Village's officers, board members, employees, committee members, attorneys, agents and consultants as additional insureds.
- C. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a Best's rating of at least A.
- D. The insurance policies shall contain an endorsement obligating the insurance company to furnish the Village with at least 30 days' prior written notice in advance of the cancellation of the insurance.
- E. Renewal or replacement policies or certificates shall be delivered to the Village at least 15 days before the expiration of the insurance that such policies are to renew or replace.
- F. Prior to the issuance of a special use permit for a large wireless facility, the applicant shall deliver to the Village a copy of each of the policies or certificates representing the insurance in the required amounts.

**§ 200-119.2-39 Indemnification.**

Any special use permit for a large wireless facility that is proposed for Village property or in the public right-of-way, pursuant to this section, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the Village and its elected officials, officers, board members, employees, committee members, attorneys, agents and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, product performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility; excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Village or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Village.

**§ 200-119.2-40 Regulations applicable to large wireless facilities in the public right-of-way.**

B. In addition to the applicable special permit provisions and requirements listed in this section, all large wireless facilities located in the public right-of-way shall be required to comply with the following regulations:

(1) Location. Large wireless facilities in the public right-of-way shall be collocated on existing wireless telecommunications facility whenever possible. If collocation is not technologically feasible, the applicant shall locate its large wireless facility on existing utility poles, monopoles or other structures that do not already act as wireless telecommunication facility support structures.

Design Requirements:

- a) All accessory equipment shall be the smallest and least visibly intrusive equipment feasible.
- b) Antenna and accessory equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

(2) Equipment Location. Large wireless facilities, which include wireless telecommunication support structures and accessory equipment in the public right-of-way, shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Village. In addition:

- (a) In no case shall ground-mounted accessory equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb, within four (4) feet of the edge of the cartway, or within an easement extending onto a privately-owned lot;
- (b) To the extent feasible, accessory equipment shall be placed underground. Ground-mounted accessory equipment that cannot be placed underground shall be screened from surrounding views, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Village. Ground-mounted accessory equipment shall be screened, when possible, by utilizing existing structures. If screening by utilizing existing structures is not possible, ground-mounted accessory equipment shall be made architecturally and aesthetically compatible with the surrounding area through the use of coatings, landscaping, and/or screening walls, enclosures or other stealth technology to the satisfaction of the Village.

- (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Village.
  - (d) Any graffiti on any large wireless facility support structure, base station or any accessory equipment shall be removed within thirty (30) days upon notification by the Village at the sole expense of the owner.
  - (e) Any proposed underground vault related to large wireless facilities shall be reviewed and approved by the Village.
  - (f) Accessory equipment attached to a large wireless facility support structure shall have such vertical clearance as the Planning Board may determine.
- (3) Relocation or removal of large wireless facilities in the public right-of-way. In addition to the removal provisions set forth in Section 200-119.2-44 above, within ninety (90) days following written notice from the Village, or such longer period as the Village determines is reasonably necessary, or such shorter period in the case of an emergency, an owner of a small wireless facility and any accessory equipment in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, or change the position of any large wireless facility or accessory equipment when the Village, consistent with its police powers and any applicable Public Service Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- (a) To construct, repair, maintain or install any Village or other public improvement located in the right-of-way;
  - (b) To prevent the interference with the operations of the Village or other governmental entity, in the right-of-way;
  - (c) Abandonment of a street or road or the release of a utility easement; or
  - (d) An emergency as determined by the Village Board.

**§ 200-119.2-41 Reimbursement for the use of the public right-of-way.**

In addition to permit fees for a large wireless facility permit, every large wireless facility located in the Village public right-of-way is subject to the Village's public right to fix annually a fair and reasonable fee to be paid for use and occupancy of the public right-of-way and for any applicable permitting fees set forth in Chapter 150 of the Village code. Such compensation for use of the public right-of-way shall be directly related to the Village's actual public right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other public right-of-way management activities by the Village. The owner of each large wireless facility permit shall pay an annual

fee to the Village to compensate the Village for the Village's costs incurred in connection with the activities described above as determined by the Village Board and as set forth in the Village Fee Schedule.

**§ 200-119.2-42 Annual NIER certification.**

The holder of any special use permit shall, annually, certify to the Planning Board or its authorized designee, that NIER levels at the site where the large wireless facilities are located are within the threshold levels adopted by the FCC. In addition, the Village, at its own cost and expense, shall be permitted to conduct its own certification test of the NIER levels at the site where any large wireless facility is located, with or without notice to the wireless telecommunication provider. Once operational, but prior to providing service to customers, as-built readings will be provided to the Village.

**§ 200-119.2-43 Default and/or revocation of special use permit.**

- A. If large wireless facilities are constructed, repaired, rebuilt, placed, moved, relocated, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this section or any special use permit requirement, or it is determined conclusively that the applicant made materially false or misleading statements during the application process, then the Planning Board or the Building Inspector shall notify the holder of the special use permit in writing of such violation. Such notice shall specify the nature of the violation or noncompliance, and the violations must be corrected within seven days of the date of the postmark of the notice, or of the date of personal service of the notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this section, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the Planning Board may, at its sole discretion, order the violation remedied within 24 hours.
- B. If within the period set forth in Subsection A above the large wireless facilities are not brought into compliance with the provisions of this section, or of the special use permit, or substantial steps are not taken in order to bring the affected wireless telecommunications facilities into compliance, then the Planning Board or the Building Inspector may revoke such special use permit for wireless telecommunications facility and may require the removal of such large wireless facility.

**§ 200-119.2-44 Removal.**

- A. Under the following circumstances, the Village may determine that the safety, public welfare, character and environment of the Village warrant and require the removal of a large wireless facilities:
- (1) Large wireless facilities with a permit have been abandoned (i.e., not used as wireless telecommunication facilities) for a period exceeding 90 consecutive days or a total of 180 days in any three-hundred-sixty-five-day period, except for periods caused by force majeure or acts of God, in which case, repair or removal shall commence within 90 days;
  - (2) Permitted large wireless facilities fall into such a state of disrepair that they create a safety hazard;

- (3) Large wireless facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required special use permit, or any other necessary authorization; or.
  - (4) Any large wireless facility is determined to be in violation pursuant to Section 200-119.2- 42 above and fails to cure such violation within the time set forth in that Section.
- B. If the Planning Board makes such a determination as noted in Subsection A of this section, then it shall notify the holder of the special use permit and the owner of the property that the large wireless facilities are to be removed.
  - C. The holder of the special use permit or the owner of the property shall dismantle and remove such large wireless facilities, and all accessory equipment, antennas, support structures and other associated structures and facilities, from the site and return the site to its original condition and certify through soils or other testing that no contamination has been created by the facility, , such restoration being completed, limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the Village. However, if the owner of the property upon which the large wireless telecommunication facilities are located wishes to retain any access roadway to the large wireless facilities, the owner may do so with the approval of the Village.
  - D. If the large wireless facilities are not removed or substantial progress has not been made to remove the large wireless facilities within 90 days after the special use permit holder has received notice, then the Planning Board may order officials or representatives of the Village to remove the large wireless facilities at the sole expense of the property owner and/or special use permit holder.
  - E. If the Village removes or causes to be removed the large wireless facilities, and the owner of the large wireless facilities does not claim and remove any equipment or materials to a lawful location within ten (10) days, then the Village may take steps to declare the large wireless facilities abandoned and sell them and their components and retain the proceeds therefrom. The Village may also cause the costs associated with the removal and disposal of the large wireless facilities to be assessed on the property in the same manner as a tax or assessment.

#### **§ 200-119.2-45 Penalties for offenses.**

In addition to any other remedies in this section, a violation of any provision of this section with respect to either large wireless facilities or small wireless facilities are hereby declared to be an offense, punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. Each continued violation shall constitute a separate additional violation.

#### **§ 200-119.2-46 Adherence to state and/or federal rules and regulations.**

The holder of a special use permit or small wireless facility permit issued pursuant to this

section shall adhere to and comply with all applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

A. To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security, are amended and/or are modified during the duration of a special use permit for large wireless facilities and a small wireless facility permit for small wireless facilities, then the holder of such a special use permit or small wireless facility permit shall conform the permitted wireless telecommunication facilities to the applicable amended and/or modified rule, regulation, standard, or provision within a maximum of 24 months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

**Section 3.** Numbering for Codification.

It is the intention of the Village of Springville and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Springville; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "chapter," "section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

**Section 4.** Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

**Section 5.** This local law shall be enacted upon filing with the Secretary of State and shall apply to applications for wireless telecommunications facilities that are filed on or after such date.

# Village of Springville

5 W. Main St., PO Box 17, Springville, NY 14141, 592-4936, Fax 592-7088

## Fee Schedule

Adopted by Resolution of the Board of Trustees on April 1, 2019  
The numbering system represents Village of Springville code sections.

- 1-9 Purchase of Village Code Book  
The purchase of copies may be made from the Village at cost as established by General Code Publishers Inc. Arrangements for purchase and supplementation may also be made directly with General Code Publishers Inc.
- 55-3 Alarm System connection.....No Longer Available
- 55-4 False Alarm Fee
- | Number of False Alarms | Residential Fee | Nonresidential Fee |
|------------------------|-----------------|--------------------|
| 1                      | \$0             | \$0                |
| 2                      | \$25            | \$100              |
| 3                      | \$35            | \$200              |
| 4                      | \$50            | \$300              |
- 60-22 Chicken License.....\$100.00 annually June 1 to May 31
- 73-10 Operating Permit Fee.....\$100.00  
Duration & Renewal.....\$50.00 annually
- 73-11 Fire Safety Property Maintenance Fee
- |  |                                      |
|--|--------------------------------------|
| Fire Inspection.....   | \$50.00 per Certificate of Occupancy |
| Additional Multiple Commercial Tenants<br>with less than 500 sqft..... | \$NC                                 |
| Multiple Dwelling Common Areas.....                                    | \$50.00                              |
| Requested inspection 73-11 B.....                                      | \$500.00 per tenant/living unit      |
| Above inspections include initial plus one follow-up                   |                                      |
| Each additional follow-up.....   | \$25.00                              |
| Reprinting Occupant Load Sign.....                                     | \$25.00                              |
- 73-16 Other Chapter 73 Fees:
- |  |                                |
|--|--------------------------------|
| Residential 1 & 2 Family House.....        | \$450.00                       |
| Residential 3 or more Family Dwelling..... | \$650.00 per building          |
| Residential Addition/Enlargement.....      | \$150.00                       |
| House Rehab.....                           | \$125.00                       |
| Other Residential Alteration.....          | \$50.00                        |
| Nonresidential New Build.....              | \$.14/sqft; \$1,000.00 minimum |
| Nonresidential Addition/Enlargement.....   | \$.14/sqft, \$500.00 minimum   |
| Other Nonresidential Alteration.....       | \$100.00                       |
| Accessory Building 200-10A1c Shed.....     | \$50.00                        |
| Accessory Building 200-10A1d.....          | \$100.00                       |
| Deck.....                                  | \$50.00                        |
| Fence 200-17.....                          | \$50.00                        |

Swimming Pools Residential.....	\$50.00
Pool with Deck.....	\$75.00
Pool with Fence.....	\$75.00
Pool with Deck and Fence.....	\$100.00
Alteration - Woodstoves, Fireplaces, Chimneys.....	\$50.00
Demolition under 500 sqft.....	\$50.00
Demolition over 500 sqft.....	\$100.00
Roofing.....	\$50.00
Multiple inspections for the same item.....	\$50.00 each inspection

*An automatic renewal fee will be charged after one year of the permit date.*

*A charge of ½ the original fee or a maximum of \$50.00.*

*The fee will be charged every six months thereafter until a Certificate of Occupancy is obtained.*

75-1 Moving of a Building

To and or from a Village Lot.....	\$500.00
Habitable Structure on same lot.....	\$200.00
Non-Habitable Structure on same lot.....	\$50.00

110-7 Licenses 110-16

1. Canvassers and Solicitors.....	\$150.00 June 1 to May 31
2. Carnivals.....	\$100.00 per event
3. Circuses.....	\$100.00 per event
4. Garage Sales (6 days per year maximum).....	\$10.00 per day
First 3 days in 5 consecutive days in a year...	No Charge
5. Parades.....	\$100.00 per event
6. Peddlers and Hawkers.....	\$150.00 June 1 to May 31
7. Mobile Food Vendor.....	\$150.00 June 1 to May 31
8. Public Meetings, Outdoor.....	\$100.00 per event
9. Shows & Exhibitions.....	\$100.00 per event
10. Roadside Stands.....	\$100.00 June 1 to May 31
Exception stands under 24sqft located in Residential	
Districts selling items grown on the property.....	No Charge
11. Flea Markets.....	\$100.00 per event
12. Waste Material Collector.....	\$50.00 June 1 to May 31
Other than by Village Contract 110-16	
13. Transient retail business.....	\$100.00 per day

115-7 Sound producing device.....\$100.00

130-8 Record Fees

Fee for inspection.....	No Charge
Fee for search of document.....	No Charge
Fee for certification of existing document.....	No Charge
Copies sizes 9 x 14 or less.....	\$.25 per page
Copies larger than 9 x 14.....	Actual Cost
Preparation of Tax Certificate.....	\$20.00
Preparation of Property History.....	\$50.00

145-5	NR Bags.....	<i>Not Available</i>
	NR Stickers (Garbage Stickers).....	\$2.50 each
155-17	Subdivision Fees	
	Preliminary Application Fee.....	\$200.00
	Final Approval Fee.....	\$75.00 per lot plus engineering costs
	Resubmit Fee.....	½ Application Fee
	Final Inspection Fee.....	\$100.00
	Re-inspection Fee.....	½ Final Inspection Fee
200-146	Driveway / Road Access .....	\$15.00
193-81	Water Permit- Plumbing Permit Inside Structure .....	\$50.00
	Outside Structure.....	\$100.00
193-70	Sewer Permit - Inside Structure.....	\$50.00
	Outside Structure.....	\$100.00
193-71	Electric Permit.....	\$25.00
193-84	Water	
	Connection Expense Fee...(TAP).....	\$750.00
	Connection Inspection Fee.....	\$50.00
	Reinstitution of Service Fee.....	\$50.00
	Nonpayment Termination Fee.....	\$50.00
	Termination Fee.....	\$50.00
	Voluntary Termination Fee.....	\$50.00
	Repair Termination Fee.....	\$50.00
193-87	Same fees as 193-84	
193-69	Sewer Rent Fee, Monthly Charges	
	See Utility Rate Schedule	
	Water Rate Fee, Monthly Charges	
	See Utility Rate Schedule	
	Unmetered Water Sales.....	\$20.00 / 1,000 gallons
	Electric Rate Fee, Monthly Charges	
	See Utility Rate Schedule	
	Electric Security Deposit (EMD)	
	Residential with gas heat.....	\$40.00
	Residential with electric heat.....	\$69.50
	Commercial .....	\$100.00
	Electric Service Shut Off Charge.....	\$50.00

193-42	Sewer Tap Fee	
	1 & 2 Family Residence.....	\$750.00
	All Others.....	\$750.00
	Inspection Sewer Tap Fee.....	\$50.00
193-96	Storm Water Tap Fee	
	1 & 2 Family Residence.....	\$750.00
	All Others.....	\$750.00
	Inspection Storm Water Tap Fee.....	\$50.00
200-37	Sign Permit Application Fee.....	\$50.00
200-38	Sign Permit Renewal Fee .....	\$25.00
200-50	Special Exception Application Fee.....	\$150.00 plus engineering cost
200-84	Fee for Zoning Board of Appeals Review.....	\$150.00 plus engineering cost
200-91	Site Plan Review Fee.....	\$200.00 plus engineering cost
200-98	Petition for Zoning Amendment Fee.....	\$50.00
200-106	Planned Development Inspection Fee.....	\$150.00 plus engineering cost
200-113	Satellite Antennas – Dishes	
	Larger than 1 meter in Residential Districts.....	\$50.00
	Larger than 2 meters in Commercial Districts.....	\$100.00
<b>200-119</b>	<b>Communication Tower.....</b>	<b>\$1,500.00</b>
	<b>Co-location.....</b>	<b>\$500.00</b>
	<b>Permit for small cell attachment system .....</b>	<b>\$500.00</b>
	<b>Pole attachment fee – per pole.....</b>	<b>\$15.00</b>
	Police Reports.....	\$10.00
	Credit Card Payments Fee.....	2.65%, Minimum \$3.00
	Rental Fee –65 Franklin Conference room.....	\$75.00 per date
	Need rental agreement. No deposit. (\$75 fee for Heritage Park & Fiddler’s Green Gazebo removed June 4, 2018)	
	Easement Fee to remove or change village easement.....	\$250.00
	(approved May 21, 2018)	

*Starting without obtaining a permit, license or Certificate of Occupancy will be subject to the applicable fee being doubled. All contractors must supply the Village of Springville with the proper insurance certificate prior to a permit being issued.*

*sqft = square feet or foot*

*Engineering Costs = A NYS Licensed Professional contracted by the Village of Springville for technical review.*

**Local Law No.5 of 2019 Village of Springville Public Hearing April 1, 2019**

Amending Section 200-5, Boundaries of Districts on Zoning Map for 243 W. Main Street as indicated:

**PROPOSED RE-ZONE AREA**

The current property located at 243 W. Main Street, SBL No 335.15-8-23 is currently zoned Village Industry (VI) with the Historic Overlay. So much of said property as its entire width of 186.5 ft +/- to a partial depth of 200 ft +/- shall be rezoned from VI to B1 Village Business (B1) with Historic Overlay. Zoning B1 most represents the current uses in the adjacent properties would permit the frontage on Main Street to be used consistent with current and anticipated business uses permitted under B1 zoning.

**SPRINGVILLE ZONING MAP CHANGES**

The proposed zoning map shall include re-zoning of certain areas within the Village of Springville to allow for the B1 uses as set forth above for the current property located at 243 W. Main Street, SBL No 335.15-8-23.

Local Law will take effect immediately upon filing with the Secretary of State.

**Village of Springville Per Diem Policy Effective April 1, 2019**

The Village of Springville will reimburse the following amounts for breakfast, lunch and dinner for employees or volunteer firefighters at seminars or training that was approved by their Department Head or Springville Volunteer Fire Department Fire Chief. No reimbursement will be provided for alcohol, non-employees or any meals already included in the seminar or training cost.

Breakfast = \$14.00 per day, Lunch = \$16 per day and Dinner = \$26 per day. Separate amounts for breakfast lunch and dinner are listed should you need to deduct any of these meals when they are paid for by the village through your hotel stay, conference registration or vendor.

The employee or volunteer must submit itemized receipts for each meal they are requesting reimbursement for on the village approved voucher. Reimbursement checks will be processed in a timely fashion and no later than the next regularly scheduled board meeting as long as all receipts are turned in by the Friday before the board meeting and the voucher is complete and signed.

VILLAGE OF SPRINGVILLE  
**DEPARTMENT OF PUBLIC WORKS**  
*Kenneth W. Kostowniak*  
*Superintendent of Public Works*  
[kkostowniak@villageofspringvilleny.com](mailto:kkostowniak@villageofspringvilleny.com)  
**Superintendent Report for April 1, 2019**

ATTACHMENT NO. A5  
AGENDA DATE 4/1/19

**Report:**

Streets Division and Electric division wish to jointly purchase a 10,000# utility trailer estimated cost \$4700.00. Streets Division needs trailer to haul 20' pipe sections for future storm project and pallets of concrete blocks, also will be used for landscaping (hauling mowers, trimmers, clippings, branches, etc.). Electric Division will use trailer for safer transportation of pad mount transformers.

**WWTP Report:**

NYDEC inspected WWTP on 3/21/19, had minor issues to report, sidewalk around trickling filter was sloped into trickling filter, needs to be replaced. Can be done by Village WWTP & Streets Division

**WWTP upgrade report:**

Recommend resolution to advertise for primary digester cover as per the bid documents provided by GHD.

**Electric Report:**

Tree trimming along Main street on 3/23/19 went smoothly. Outage for those customers was 4 hours long.

VILLAGE OF  
SPRINGVILLE  
March 18, 2019  
Page 1  
CONSENT AGENDA

Building applications received by the Building Inspector/CEO Kaleta, Planning Board, Zoning Board of Appeal and Historic Preservation Commission as follows:

Planning Board meeting minutes of February 12, 2019. CA.1

Planning Board meeting minutes of March 12, 2019. CA.2

PROJECT: 0000008720 - NONRES STRUCTURAL  
PROPERTY: 224 E MAIN ST  
ISSUED DATE: 3/13/2019  
ISSUED TO: BERTRAND CHAFFEE HOSPITAL  
224 E. MAIN ST.  
SPRINGVILLE, NY 14141

TYPE: NONRES STRUCTURAL

PROJECT: 0000008721 - RESIDENTIAL ALTERATION  
PROPERTY: 77 CATTARAUGUS ST  
ISSUED DATE: 3/13/2019  
ISSUED TO: KENYON, JOHN D  
77 CATTARAUGUS ST  
SPRINGVILLE, NY 14141

TYPE: RESIDENTIAL  
ALTERATION

PROJECT: 0000008722 - UTILITY CHANGES-ELECTRIC  
PROPERTY: 77 CATTARAUGUS ST  
ISSUED DATE: 3/14/2019  
ISSUED TO: KENYON, JOHN D  
77 CATTARAUGUS ST  
SPRINGVILLE, NY 14141

TYPE: UTILITY CHANGES

PROJECT: 0000008723 - NONRES NONSTRUCTURAL  
PROPERTY: 317 S CASCADE DR  
ISSUED DATE: 3/18/2019  
ISSUED TO: PERRY M PETRILLO ARCHITECTS  
9 PARK AVE  
PARK RIDGE, NJ 07656

TYPE: NONRES  
NONSTRUCTURAL

PROJECT: 0000008724 - NONRES STRUCTURAL  
PROPERTY: 210 W MAIN ST  
ISSUED DATE: 3/18/2019  
ISSUED TO: ALONZO, ERIN  
5765 GENESEE RD  
SPRINGVILLE, NY 14141

TYPE: NONRES  
STRUCTURAL

PROJECT: 0000008725 - NONRESIDENTIAL DEMO  
PROPERTY: 63 PROSPECT AVE  
ISSUED DATE: 3/19/2019  
ISSUED TO: WERONSKI, TOM  
11559 PRATHAM ROAD  
E CONCORD, NY 14055

TYPE: NONRESIDENTIAL DEMO

VILLAGE OF  
SPRINGVILLE  
March 18, 2019  
Page 2  
CONSENT AGENDA

PROJECT: 0000008726 - FIRE INSPECTION  
PROPERTY: 317 S CASCADE DR  
ISSUED DATE: 3/20/2016  
ISSUED TO: WALMART  
317 S. CASCADE DR  
SPRINGVILLE, NY 14141

TYPE: FIRE INSPECTION

PROJECT: 0000008727 - RESIDENTIAL ALTERATION  
PROPERTY: 56 MILL ST  
ISSUED DATE: 3/22/2019  
ISSUED TO: BURSEE, CHERYL  
14569 SCOBY HILL ROAD  
SPRINGVILLE, NY 14141

TYPE: RESIDENTIAL ALTERATION

PROJECT: 0000008728 - UTILITY CHANGES  
PROPERTY: 225 NEWMAN ST  
ISSUED DATE: 3/22/2019  
ISSUED TO: FOLTS, DAVID  
225 NEWMAN ST.  
SPRINGVILLE, NY 14141

TYPE: UTILITY CHANGES

PROJECT: 0000008729 - VIOLATION-MATTRESS AT ROAD  
PROPERTY: 26 W MAIN ST  
ISSUED DATE: 3/25/2019  
ISSUED TO: SPRINGVILLE CROSSING CHURCH  
23 E MAIN ST  
SPRINGVILLE, NY 14141

TYPE: VIOLATION

PROJECT: 0000008730 - UTILITY CHANGES-ELECTRIC  
PROPERTY: 56 MILL ST  
ISSUED DATE: 3/25/2019  
ISSUED TO: BURSEE, CHERYL  
14569 SCOBY HILL ROAD  
SPRINGVILLE, NY 14141

TYPE: ELECTRIC

**VILLAGE OF SPRINGVILLE  
PLANNING BOARD MINUTES**

February 12, 2019

7:00 P.M.

A meeting of the Planning Board of the Village of Springville was held at the Village Municipal Building, 65 Franklin Street, Springville, New York at the above date and time. Present were:

Chairman:	Bob Muhlbauer
Members:	Terry Skelton Joe Emerling Ken Heidle Greg Keyser
Building Inspector/ CEO:	Mike Kaleta
Clerk:	Kellie Grube
Also Present:	Alan Chamberlin, Trustee Don Hoefler Paul Bliss Sean Hopkins Anthony Pandolfe Dan Saunders Max Borsuk, Springville Journal

After the Pledge to Allegiance, Chairman Muhlbauer called the meeting to order at 7:03 pm.

*Tonight on the agenda the Planning Board is a continuation of the following Public Hearing # 8667 Site Plan and Sub-Division:*

Last month the Planning Board began its review of **Application #8667 for Site Plan and Sub-Division:** Bliss Senior Apartments LLC., Springville, NY, for vacant property located on Commerce Drive- located within a RM Residential District. Last month the applicants met with the Planning Board in the hopes of obtaining Site Plan and Sub-Division approval. At that time the Planning Board could not approve or disapprove the Site Plan due to a few things that still needed to be completed and decisions that needed to be made in order to actually complete the Site Plan.

The Village of Springville's consulting engineer Mr. Don Hoefler of Labella PC was present to go over any questions that either himself or the Planning Board may have. Mr. Hoefler stated the comments that he had upon reviewing the Site Plan have been addressed. Mr. Hoefler did go on to say though that any other issues the applicant may have with the Village of Springville's Department of Public Works (DPW) can be addressed with them and that it doesn't need to hold

up the Site Plan approval process. One of the comments that Mr. Hoefler had mentioned that he felt should be reviewed with the Planning board is that the Village of Springville's Code requires 20' deep handicapped spaces and the applicants provided 18'. It was also noted that the SWPPP Report and the drainage for this property development needs to be addressed properly which would include ensuring that the Engineer Report for Fire Service Information is updated.

After some discussion regarding parking, all members of the Planning Board agreed that they would accept the Site Plan parking as presented. This Super Majority was needed due to the parking not being up to the standards of the Village of Springville's Code even though 18' is a generally accepted practice. If there was not a Super Majority the applicant would have to go before the Zoning Board of Appeals to request a Variance for parking. As it stands the Planning Board does accept the number of parking spaces on site as well as the spaces being 18' not 20'.

Also at this time, all parties involved discussed the newly formed Developers Agreement. It was unanimously felt that the Agreement could be handled after the Public Hearing and that it should not hold up any decision making regarding this Public Hearing.

The Planning Board was reminded that Erie County has been notified and their input has been noted and considered. Also, the Town of Concord and all other public notifications have been completed and this Public Hearing announcement was published in the Springville Times.

After reviewing part II of the SEQR and discussing any changes that were made, Chairman Muhlbauer asked for a motion to declare this application a negative declaration. Member Greg Keyser made the motion, seconded by Member Terry Skelton. All in favor, none opposed.

Chairman Muhlbauer asked for a motion to vote on the first portion of **Application #8667, for the minor Subdivision of 4.2 acres** -Member Terry Skelton made the motion, seconded by Member Greg Keyser, all in favor, none opposed.

**Subdivision Portion:**

*The vote went as follows:*

- |                        |            |
|------------------------|------------|
| • <i>Bob Muhlbauer</i> | <i>aye</i> |
| • <i>Greg Keyser</i>   | <i>aye</i> |
| • <i>Joe Emerling</i>  | <i>aye</i> |
| • <i>Terry Skelton</i> | <i>aye</i> |

Chairman Muhlbauer asked for a motion to vote on the first portion of **Application #8667, for Site Plan Approval** -Member Joe Emerling made the motion, seconded by Member Ken Heidle, all in favor, none opposed.

**Site Plan Portion:**

*The vote went as follows:*

- |                        |                               |
|------------------------|-------------------------------|
| • <i>Bob Muhlbauer</i> | <i>aye, with stipulations</i> |
| • <i>Greg Keyser</i>   | <i>aye, with stipulations</i> |
| • <i>Joe Emerling</i>  | <i>aye, with stipulations</i> |
| • <i>Terry Skelton</i> | <i>aye, with stipulations</i> |
| • <i>Ken Heidle</i>    | <i>aye, with stipulations</i> |

*Application #8667 approved with the following stipulations.*

- *Subject to the Developers Agreement being approved by the Village Board of Trustees.*
- *SWPPP and drainage is addressed properly.*

Next, Mr. Kaleta asked the Planning Board for their recommendation regarding a zoning change. The property in question is the ROHR property located at 243 W. Main Street. The former knife factory was renovated years ago to house smaller businesses within its walls. Over the years there have been times when it was difficult for businesses, which seemingly fit the character, actually go into 243 W. Main St. due to the zoning restrictions. The zoning is currently Industrial and Mr. Kaleta would like a recommendation from the Planning Board as to whether or not they agree that it should be rezoned to B-1. The rezoning would encompass the entire road frontage on W. Main St. and 200' back on Carolina St.

After some discussion, Chairman Muhlbauer asked for a motion to make the recommendation to the Village Board of Trustees that the entire length of 243 W. Main St. and 200' in depth from the street be rezoned from Industrial to B-1 Zoning District. Member Joe Emerling made the motion, seconded by Member Terry Skelton. All in favor, none opposed.

Also on the agenda this evening is former resident Dan Saunders. Mr. Saunders stopped in to speak to the Planning Board regarding residential development. He wanted to run the idea of possibly putting in townhouses on a large parcel of property he owns off of the Elm St. extension. At this time Mr. Saunders idea is just that, an idea. After a few questions regarding intentions and a little more discussion, the Planning Board informed Mr. Saunders that they feel

that the Village of Springville is in need of more housing and are in favor of his idea and look forward to seeing it to fruition.

The next bit of business that Mr. Kaleta wanted to let the Planning Board know about is for a public hearing that will be before them next month for subdivision. Gernatts Asphalt and their representative Mr. Mark Smith turned in an application for the subdivision of some of Gernatt's property on Rauch Dr. at S. Edgewood Dr. The applicant would like to retain some of this property for the possibility that in the future they may need it for a road to their gravel pit which is located adjacent to this property. The property is large enough that if subdivided the applicant could sell off lots or develop them if desired.

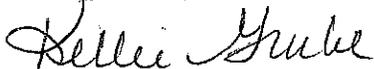
Mr. Kaleta also wanted to tell the Planning Board about a house that may be getting built in the Village of Springville by People Inc. The house would be a single family home and would house 4 or 5 individuals that People Inc. would place there alone with a caretaker. Again, this proposal is very early on in the process and Mr. Kaleta will keep the Planning Board apprised of the situation.

Lastly, the Planning Board and Mr. Kaleta discussed the increasing need for zoning to allow smaller homes, also known as tiny homes. Mr. Kaleta discussed NYS Building Code changes and how on January 1, 2020 he expects to see updates in the Code to accommodate the changes that have been coming regarding these tiny homes.

With nothing else on the agenda this evening, Chairman Muhlbauer asked for a motion to accept the Minutes from the January 8, 2019 meeting. Member Ken Heidle made the motion, seconded by Member Terry Skelton. All in favor, none opposed.

Lastly, Chairman Muhlbauer asked for a motion to adjourn at 8:37 pm. Member Terry Skelton made the motion, seconded by Member Greg Keyser. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,



Kellie R. Grube

**VILLAGE OF SPRINGVILLE  
PLANNING BOARD MINUTES**

March 12, 2019

7:00 P.M.

A meeting of the Planning Board of the Village of Springville was held at the Village Municipal Building, 65 Franklin Street, Springville, New York at the above date and time. Present were:

Chairman:	Bob Muhlbauer
Members:	Terry Skelton
	Joe Emerling
	Ken Heidle , absent
	Greg Keyser
Building Inspector/ CEO:	Mike Kaleta
Clerk:	Kellie Grube
Also Present:	Alan Chamberlin, Trustee
	Tom Shelburne
	Steven Drost
	Seth Wochensky
	Jay Breymiller

After the Pledge to Allegiance, Chairman Mulhauer called the meeting to order at 7:02 pm.

*Tonight on the agenda for the Planning Board is Public Hearing #8691, Planning Board review:*

*Felton Burns VFW Post 5260, 650 E. Main St., Springville, NY 14141.*

The VFW would like to install a poured 8' x 19' concrete floating pad for a static military display of a Howitzer cannon.

Mr. Tom Shelburne was on hand representing the VFW. Mr. Shelburne stated that they did not plan on doing the work until spring. They still had to obtain the cannon, which is in Alabama and have it demilitarized, which all takes time. Once all of that is done, they would pour an 8' x 19' concrete pad and display the cannon upon it. The cannon will also be secured down on the pad with chains.

CEO Kaleta stated that the only reason this application came before the Planning Board was that when the VFW obtained their original site plan approval for their premises there was a stipulation in the approval that stated that if they had any other additions, regardless of what it was, would have to come before the Planning Board for approval.

Erie County has been notified again and this time they had no further input. Also, the Town of Concord and all other public notifications have been completed and this Public Hearing announcement was published in the Springville Times.

Chairman Muhlbauer asked for a motion to declare this application a Type II SEQR requiring no further review and a negative declaration was issued. Member Joe Emerling made the motion, seconded by Member Terry Skelton. All in favor, none opposed.

Chairman Muhlbauer asked for a motion to vote on **Application #8691- Site Plan**. Member Greg Keyser made the motion, seconded by Member Terry Skelton, all in favor, none opposed.

*The vote went as follows:*

- |                        |                        |
|------------------------|------------------------|
| • <i>Bob Muhlbauer</i> | <i>aye</i>             |
| • <i>Greg Keyser</i>   | <i>aye</i>             |
| • <i>Joe Emerling</i>  | <i>aye</i>             |
| • <i>Terry Skelton</i> | <i>aye</i>             |
| • <i>Ken Heidle</i>    | <i>absent, no vote</i> |

*Application #8691 approved with no stipulations.*

Next, Steven Drost was present to discuss plans that he hopes to see to fruition located at 303 Franklin Street (the old Winsmith lab). Mr. Drost would like to obtain a Special Exception for this address to have outdoor storage and also possibly have outdoor manufacturing. Mr. Drost said that he takes retired airplane parts and equipment and repurposes the items into recreational items such as outdoor fire pits and the like. Mr. Drost understands that he would have to put in fencing on the property for his plans. What he would like to do as far as the fencing is concerned is to put in "shelving fencing".

After some discussion and more questions, the Planning Board informed Mr. Drost that they are not in favor of his ideas. They felt that there was a lot more work that needed to be done prior to them even entertaining a Special Exception use at this location. There is nothing that they can do for Mr. Drost at this time. The Planning Board would like to see a rendering of the "shelving fence" that Mr. Drost is proposing along with a detailed and accurate proposal of his intentions.

*Next on the agenda is another continuation of a Public Hearing for application #8438. This Public Hearing has been tabled since June 2018. On June 12, 2018, there was a subdivision portion of the application that was approved but the site plan portion could not be approved due to there not being sufficient information for the Planning Board to make a decision. At this time the applicant has returned with his completed site plan drawings and the Planning Board has had time to review them.*



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Planning Board Meeting

February 12, 2019

the awning work due to their limited space and code requirements. Their solution was to just add in some driving pick-up lanes on the south side of their building. Mr. Kaleta asked if it was felt that this change would still need to come before the Planning Board or if it no longer needs to be presented to them. The Planning Board felt that these changes should not have much of an impact on what is already up there and that they would not need to do a site plan review.

Next, Mr. Kaleta asked the Planning Board their opinions on removing the HC-O (Health Care Overlay) on Elm Street. Recently there has been some property on Elm Street in this area that has been bought for housing. Mr. Kaleta explained that with the current HC-O in place on Elm Street, that has recently had some newly added residential activity, anyone could come in and open an office regarding healthcare. Due to all of the recent changes in development in this area, Mr. Kaleta and the Planning Board felt that it would be prudent to remove the Elm Street portion of the HC-O but leave the remaining HC-O in place. Motion was made by Member Joe Emerling, seconded by Member Greg Keyser, all in favor, none opposed.

The final thing Mr. Kaleta informed the Planning Board about is regarding a subdivision public hearing that will be before them next month from Gernatts. The applicant would like to subdivide a portion of their property located at the corner of Rauch Drive and S. Edgewood Drive.

Lastly, Chairman Muhlbauer asked for a motion to approve the minutes from the 02/12/19 Planning Board meeting. Member Greg Keyser made the motion, seconded by Member Terry Skelton. All in favor, none opposed.

At 8:23 pm, Chairman Muhlbauer asked for a motion to adjourn. Member Joe Emerling made the motion, seconded by Member Greg Keyser. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted-



Kellie R. Grube