

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
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ALBANY, NY 12231-0001
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KATHY HOCHUL
GOVERNOR
WALTER T. MOSLEY
SECRETARY OF STATE

February 24, 2025

Town of Watson
6971 Number Four Rd
Lowville, NY 13367

RE: Town of Watson, Local Law 1 of 2025, filed on February 18, 2025

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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

County City Town Village
(Select one.)

of Watson

Local Law No. 1 of the year 2025

A local law shall be known and cited as "Telecommunication Tower Law of the Town of Watson"
(Insert Title)

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

County City Town Village
(Select one.)

of Watson as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 25 of the (County)(City)(Town)(Village) of Watson was duly passed by the Town Board on February 12 20 25, in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 , in accordance with the applicable provisions of law.~~

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. (Elective Chief Executive Officer*)~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

6. ~~(County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Michelle Ward

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 2/15/2025

(Seal)



Local Law #1 of 2025

Regulation of Telecommunications Towers in the Town of Watson

TITLE

This local law shall be known and cited as "Telecommunication Tower Law of the Town of Watson".

SECTION 1: BACKGROUND AND PURPOSE

Recent advances in wireless communications technology have resulted in a new generation of telecommunication services. These new services transmit electromagnetic waves of such a frequency and power that will likely require numerous antenna locations. These antennas may be located on new or enlarged towers. This requires that the town regulate these wireless communication system facilities in a manner different from conventional television or radio transmission towers which are able to transmit their signals at much greater distances.

The Federal Communications Commission has recently licensed a number of providers of wireless communication services with additional providers expected to be licensed in the near future. These firms are expected to pursue antenna sites within the town and these efforts are expected to include requests to construct new communication towers and/or structures as well.

The intent of this proposed regulation is to provide for the establishment and/or expansion of wireless telecommunication services within the Town of Watson while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. More specifically this regulation has been developed in order to:

- Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the town:
- Encourage providers to co-locate their facilities on a single tower

The town has undertaken a deliberate process to establish policy, standards and procedures related to the siting of tower structure and antenna arrays for wireless telecommunications as contained herein. In doing so, the municipality attempted to:

- Preserve property values and development opportunities
- Minimize the visual impact of towers
- Minimize the number of towers and their heights
- Promote safety, general welfare and quality of life
- Assure adequate access to wireless communication service for the community

SECTION 2: DEFINITIONS

ANTENNA: A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include, but not be limited to radio, television, cellular, paging, personal communication services, and microwave communications.

BTS (BASE TRANSCEIVER STATION): A piece of equipment that facilitates wireless communication between user equipment (UE) and a network.

CAPACITY: The number of mobile users that can realistically be serviced by a BTS.

CO-LOCATION: Means locating wireless communications facilities from more than one wireless communications services provider on a single structure.

EAF: Environmental Assessment Form

EPA: Environmental Protection Agency

FAA: Federal Aviation Administration

FCC: Federal Communications Commission

GUYED TOWER: A construction technique that uses stabilizing cable to provide lateral support for a tower.

HEIGHT OF TOWER: The vertical distance measured in feet from the average existing level of the ground surrounding the tower within 10 ft thereof to the top point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevation of the property at the time of application.

INTERFERENCE: Any electromagnetic radiation or noise that is not the desired signal.

LATTICE TOWER: Description of the type of tower construction typified by cross-bracing between three posts that constitute a rigid antenna support structure.

MONOPOLE TOWER: A unified self-supporting structure typified by a smooth tapered steel pole similar to roadway light supports.

NETWORK: The general term used to describe all the BTS facilities and equipment required to provide cellular services.

NIER: Non-ionizing Electromagnetic Radiation

PATH LOSS: The attenuation experienced by the radio waves as they propagate from the BTS to the mobile phone or from the mobile phone to the BTS. Path loss will be the same for either direction over short periods of time.

SATELLITE ANTENNA: Any parabolic dish, antenna or other device or equipment of whatever nature where the primary purpose is to receive television, radio, light, a microwave or other electronic signals, waves and/or communications from space satellites.

SEQR: State Environmental Quality Review as described in 6 NYCRR Part 617.

TELECOMMUNICATIONS: The transmission or reception of audio, video, data and other information by wire, radio, light and other electronic or electromagnetic systems.

TELECOMMUNICATIONS TOWER: A structure intended to support wireless communications equipment used to receive and/or transmit electromagnetic waves. Design examples of towers might include but may not be limited to (a) self supporting lattice (b) guyed and (c) monopoles structures (d) water towers.

TOWER OPERATOR: The owner, manager and/or management firm of a telecommunication tower.

WIRELESS TELECOMMUNICATION SERVICES: Licensed wireless telecommunications services including, but not necessarily limited to: cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and other types of telecommunications services that are or may be marketed to the general public.

WIRELESS TELECOMMUNICATIONS SITE: A facility operated by a licensed wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunications services.

SECTION 3: APPLICATION PROCEDURES

A. No communication installation, transmission tower, telecommunication tower, communication tower, accessory facility or structure, free standing tower and/or pole or

transmission reception antenna shall henceforth be erected, moved, changed or altered other than the replacement in kind except after the approval in conformance with the provisions of these regulations.

No existing structure shall be modified to serve as a transmission tower, telecommunication tower, communication tower, accessory facility or structure, freestanding tower, antenna and/or pole unless in conformity with this local law and other laws of the town.

Applicants must provide a copy (in applicant's name) of the certificate of need OR appropriate FCC license issued by the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support. If the appropriate applicant FCC license has not been issued, the applicant must show proof that the application has been filed and accepted by the FCC and is under review for the granting of the applicant's license. "Speculative" applications of any type shall not be considered or acted upon by the Town Planning Board.

All Applications for installation of a new telecommunications tower shall be accompanied by a report containing the information herein set forth and the report shall be signed by the tower operator, and contain the following information:

1. Name(s) and address(s) of person(s) preparing the report
2. Name(s) and address(s) of the property owner, operator and the applicant
3. Postal address and tax map page, block and lot or parcel number of the property.
4. Zoning district in which the property is situated
5. Size of the property on which the proposed construction is to occur and the location of all adjoining lot lines within 500 feet.
6. Distance from the proposed project location to the nearest residential structure measured in feet.
7. Location of nearest occupied residential structure measured in feet.
8. Location of all structures existing and proposed on the property, which is the subject of this application.
9. Location, size and height of all proposed and/or existing antennae and all appurtenant structures.

10. Type, size and location of all proposed and existing mitigating landscaping.
11. The number, type, and design of the tower and antenna(e) proposed and the basis for the calculations of tower and system capacity.
12. The make, model and manufacturer of the communications tower and antenna(e) with supporting construction details.
13. A description of the proposed tower and antenna(e) and all related fixtures, structures, appurtenances and apparatus, including but not limited to height above grade materials, color and lighting.
14. The frequency, modulation and class of service of telecommunication equipment.
15. Applicant's proposed tower maintenance and inspection procedures and records systems.
16. Certification that NIER levels at the proposed site are within threshold levels adopted by the FCC.
17. Certification to the town that the tower and attachments together are designed and constructed "As Built" to meet all state and federal structural requirements for loads, wind, ice etc.
18. A professionally prepared contour radio propagation map showing anticipated coverage from the site proposed.

B. The applicant shall submit a complete long EAF, pursuant to SEQR, Type I/II and a complete Visual Environmental Assessment (VEA) form (Visual EAF addendum). The Town Planning Board, as lead agency, may require submission of a more detailed visual analysis based on the results of the visual EAF. In addition the applicant shall address the environmental flight path of area avian species.

SECTION 4: SITING PREFERENCES

A. Shared use of existing towers

At all times, shared use of existing towers shall be preferred to the construction of new towers. An applicant shall be required to present an adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new tower.

1. An applicant proposing to share use of an existing tower shall be required to document intent from an existing tower owner to allow shared use.
2. The board shall consider a new telecommunication tower where the applicant adequately demonstrates that shared usage of an existing tower or other structure is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use from existing towers as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.

B. Shared usage of site with new tower (clustering)

Where shared usage of an existing tower is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory structures. Documentation and conditions shall be in accordance with subsections A (1) and A (2) above.

C. New tower at new location

The board shall consider a new telecommunication tower on a site not previously developed with an existing tower. The applicant shall adequately demonstrate that shared usage of an existing tower is impractical and shall submit a report demonstrating good faith efforts to secure shared use from an existing tower, as well as documentation of the physical and/or financial reasons why shared usage is not practical. (Written requests and responses for shared use inquiries shall be provided) Information regarding the required need for the new telecommunications tower shall be required in the form of empirical data illustrating said need.

D. Future shared usage of new towers

The applicant must examine the feasibility of including future telecommunication towers in the proposed plan that would accommodate future demands.

The board reserves the right to impose reasonable conditions regarding reservation of tower space for future antennas including height, orientation, power and restriction or elimination of restrictive use covenants as part of tower use contracts and preservation of reasonable fee structures as part of the contract.

SECTION 5: STANDARDS APPLICABLE TO NEW TOWERS

A. Siting Considerations

There will be no approval granted to proposals to construct new telecommunications towers and/or accessory structures or facilities within 1500 feet of the following areas of town-wide and inter-community significance:

1. NYS Wildlife Management Areas (measurement made from property line or official designation boundary)
2. State or County Forests (measurement made from property line or official designation boundary)
3. Federal/State designated historic districts (measurement made from property line or official designation boundary)
4. Shorelines of the Black River, Upper and Lower Chase's Lakes, Beaver River, Beaver Lake, Francis Lake, Independence River, Soft Maple Reservoir, Stoney Lake or Crystal Lake (measurement made from the shoreline, as determined on USGS 7.5" quadrangle topographic maps)
5. The following resource areas as defined by the Town of Watson:
 - Watson Town Park
 - Pine Grove Community Church
 - Adirondack Park
 - NYS Otter Creek Horse Trail System

B. Lot Size and Setbacks for New Towers

All proposed telecommunication tower and accessory structures shall be located on a single parcel and set back from abutting residential parcels, public property or road lines. The setback must be sufficient to contain on site, substantially all ice-fall or debris from tower failure and preserve the privacy of the adjoining residential properties.

Lot size parcels containing a tower shall be determined by the amount of land required to meet the setback requirements. If the land is to be leased, the entire lot required shall be leased from a single parcel.

All tower bases shall meet the minimum setback requirements in the underlying zoning district as well as be located at a minimum setback from any property line a minimum distance equal to one and a half (1½) times the height of the tower.

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

C. Visual Impact Assessment

The board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modification of an existing tower. The visual impact assessment shall include:

1) A "Zone of Visibility Map", provided in order to determine the location where the tower may be seen.

2) Pictorial representatives of "before and after" views from the key viewpoints both inside and outside of the town, including but not limited to state highways and other major roads, state and local parks, and areas of aesthetic interest.

Alternative tower designs and color schemes.

Description of visual impact of the tower base, guy wires and foundations, accessory buildings and overhead utility lines from abutting properties and streets/roads.

D. New Tower Design

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

1) Towers and antennas shall be designed to withstand the effects of wind according to the standards designated by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association.

2) Unless specifically required by FAA or APA regulations, all towers shall have a finished color compatible with the surrounding area that shall minimize the degree of visual impact.

3) The maximum height of any tower intended to be used as a telecommunication tower, shall not exceed that which shall permit operation

without artificial lighting of any kind or nature in accordance with municipal, state and/or federal law and/or regulation.

4) The board may request review of the application by a qualified engineer for the evaluation of need for the design of any new tower.

5) Facilities shall maximize the use of building materials, colors, and textures designed to blend with the ambient surroundings.

6) No portion of any tower or related structure shall be used for advertising purposes. Screening, native non-deciduous coniferous tree plantings may be required by the Planning Board to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential or public property including streets, screening shall be required.

E. Access

Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

F. Fencing

Sites of new proposed towers and sites where modifications to existing towers are proposed shall be adequately secured to prevent unauthorized access by the general public. Specifically:

1) All antenna communication towers, antenna towers, monopoles and other supporting structures including guy wires, shall be made inaccessible to and constructed or shielded in such a manner that they cannot be climbed upon or collided with.

2) Transmitters and communication control points shall be installed in a way that they are accessible only to persons authorized by the licensee to operate or service them.

G. Signage

1) Telecommunications towers/facilities shall be permitted one sign to provide adequate notification to persons in the immediate area of the presence of antennas that have transmit capabilities. The sign shall also contain the

name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s).

2) The sign shall be located so as to be visible from the primary access point to the site. No other signage shall be permitted on any antenna(s), antenna(s) supporting structure(s), monopole, or communication tower structure unless required by Federal or State regulation.

H. Color, Shape, and Camouflage

1) In scenic (any place outside of the hamlet) or historic areas, companies are required to camouflage each tower, for example by putting it inside an artificial tree, a clock tower, a church steeple, silos or a flag pole.

2) Wireless towers or supporting structures are required to be painted in a neutral color designed to blend in with the surroundings. Large dish antennas (e.g. over six feet in diameter) are prohibited. Existing trees must be left as a buffer and additional trees may be required to be planted around the entire facility in order to provide adequate screening.

I. Health Concerns - Testing and Reporting

1) Section 704 of the Federal Telecommunications Act of 1996 allows localities to regulate wireless facilities on the basis of environmental or health effects. The tower owners may be required to pay for regular inspections (annually) by a NYS certified inspector, if such a structure is located within 1000 feet of a residence or occupied structure and provide the local governments (submitted to the Town of Watson Codes Enforcement Office) with a copy of the inspection report to assure continued compliance with FCC emissions standards.

J. Notification

1) Applicants must notify in writing all landowners within a half mile to include all abutting property owners of proposed towers and/or antennas and furnish certified mail receipts.

SECTION 6 REVIEW PROCESS AND DECISIONS

A. Procedure

1) Within 62 days of receipt of a complete preliminary application as defined above, the Planning Board may approve the preliminary application or schedule a public hearing. If a public hearing is held, the Planning Board shall within 62 days of the completion of the hearing; approve, approve with modifications, or disapprove the preliminary application. Under the referral provisions of Section 239 of the General Municipal Law, the Planning Board may not take final action on the application until a copy of the application has been forwarded to the Lewis County Planning Board and the board has taken action on it pursuant to Section 239-m of New York State General Municipal Law.

2) If a preliminary application is approved, the applicant and the Enforcement Officer shall be notified in writing by the Planning Board and a building permit issued within 10 days of the receipt thereafter of a request from the applicant.

3) If the Planning Board approves the preliminary application with modifications, the applicant shall submit a detailed final site plan to the Planning Board for final approval. Within 62 days of receipt of the application for final site plan approval, the Planning Board shall render a written decision to the applicant and Enforcement Officer, and such decision shall be signed by the Chairperson of the Planning Board.

B. Public Hearings

1) All public hearings shall be conducted in compliance with the provisions of the NYS Open Meeting Laws.

C. Time Limitations

1) The time periods within which Planning Board actions are required to act are the maximum times allowable. The Planning Board shall make every effort to act as quickly as possible in reviewing applications in order to minimize delays to the applicant.

D. Justification and Notice

1) The Planning Board shall apply all of the standards described in this local law in reviewing applications.

2) Decisions of the Planning Board shall be in writing and may include reasonable conditions to further the intent of this local law. Reasons for disapproval shall be clearly stated.

3) Decisions of the Planning Board shall be filed within five days in the office of the Town Clerk and a copy mailed to the applicant by certified mail, with return receipt requested.

4) Approval of the application by the Planning Board shall be valid for a period of one year from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit during that period shall cause the site plan approval to become null and void. No building permit shall be issued and no site work shall commence until all necessary permits and approvals from town, county and state agencies are obtained and any required performance bond if filed with the town clerk.

SECTION 7 COMPATIBILITY WITH APPLICABLE STATE OR FEDERAL LAWS

- A. All towers approved must comply with all other regulations of the State or Federal government, including Federal Communications Commission (FCC) regulations applicable to environment and health effects of both transmitters and receivers.

SECTION 8 REMOVAL OF TOWERS

- A. The applicant will provide a bond equal to the estimated cost of the removal of such tower(s) due to nonuse for a period of six months or for noncompliance, or discontinued use as determined by the municipality.

SECTION 9 EXCEPTIONS

- A. Residential accessory uses (e.g. television antennas, satellite dishes, ham radios, citizens band radios) under 60 feet in height are not affected. Specifically, exceptions to these regulations are as follows:

1) New uses that are accessory to residential use; and

2) Approved uses existing prior to the effective date of these regulations.

SECTION 10 PENALTY FOR NON-COMPLIANCE

- A. The burden will be placed upon the applicant to prove the facility meets all the requirements of this local law. Monetary penalties for noncompliance will be imposed of up to \$100 per day. In addition the facility could be subject to closure after due process. A new permit must be obtained in order to modify the use or configuration of a tower (this includes increases in tower height or installation of bulky antennas or work platforms on a tower).

- B. The company must provide evidence of general liability and property damage insurance.