

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 Yorktown

Local Law No. 5 of the year 20²⁶

A local law to amend Chapter 300 of the Code of the Town of Yorktown entitled "ZONING" for a six
(Insert Title)
month moratorium on Telecommunications Facilities in the Town of Yorktown

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Yorktown as follows:

Section I. State of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. Purpose.

The purpose of this local law is to enact a temporary moratorium on the issuance of building permits, special permits, certificates of occupancy and site plans by the Town of Yorktown for the approval, construction, establishment and leasing of any wireless telecommunications facilities within the limits of the Town of Yorktown.

Section III. Legislative Findings.

In recent communications from Town residents and in comments from telecommunications industry professionals and residents at numerous public hearings, the Town Board of the Town of Yorktown has become aware of the fact that some provisions in Section 300-59, Wireless Telecommunications Facilities, of the Town Code, adopted 28 years ago, in 1998, may be outdated, and/or do not reflect current practices in the telecommunications industry, and/or do not provide sufficient protections for the health, safety and welfare of the Town of Yorktown and its residents.

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

Section III. Legislative Findings (continued)

In order to allow the Town Board time to complete its review of the current law, draft proposed new regulations and enact any new regulations for these types of facilities the Town Board deems it in the best interest of the general health, safety, and welfare of the residents of the Town of Yorktown to enact a moratorium on the issuance of any further building permits, special permits, certificates of occupancy, site plans and leasing agreements by the Town of Yorktown for the construction, establishment and leasing any new wireless telecommunications facilities within the limits of the Town of Yorktown.

Section IV. Moratorium.

No building permits, special permits or site plans permitting the construction, establishment or leasing of any new wireless telecommunications facilities shall be issued by the Town of Yorktown within any zone within the Town of Yorktown, from the effective date of this local law until December 31, 2026. Notwithstanding the foregoing, special permit and site plan applications for wireless telecommunication may be reviewed by the Town of Yorktown if an applicant signs a moratorium acknowledgment, in a form approved by the Town Attorney, that confirms the applicant is aware of the moratorium, is processing its application at the risk of the applicable regulations being changed, and assumes the consequences of such risk.

Section V. Hardship Waiver.

- A. Should any owner of property affected by this Local Law or any applicant with an application currently pending before any Board of the Town suffer any unnecessary and extraordinary hardship due to the enactment and application of this Local Law, then the owner of said property may apply to the Town Board of the Town of Yorktown in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary or extraordinary hardship shall not be: (1) the mere concern that regulations may be changed or adopted, or that the Plan may be amended; or (2) the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.
- B. An application for an exception based upon unnecessary or extraordinary hardship shall be filed with the Town Clerk no earlier than the effective date of this Local Law, including a fee of one thousand and five hundred dollars (\$1,500.00) for each tax map parcel claimed to be subject to unnecessary or extraordinary hardship, by the landowner or the applicant upon the consent of the landowner. The application shall provide a recitation of the specific facts that are alleged to support the claim of unnecessary or extraordinary hardship and shall contain such other information and/or documentation as the Town Board, shall prescribe

- as necessary for the Town Board to be fully informed with respect to the application.
- C. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a hardship waiver from the provisions of this Local Law, the Town Board shall, within forty-five (45) days of receipt of a completed application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the Town of Yorktown. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within thirty (30) days of the close of said Public Hearing, render its decision either granting, denying, granting in part or denying in part, the application for a hardship waiver from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary or extraordinary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.
 - D. Standard of Review. reviewing an application for an exception based upon a claim of necessary or extraordinary hardship, the Town Board shall consider the following criteria: (1) The extent to which the proposed development activity would cause significant environmental harm, adversely impact surrounding natural resource areas, public health, comfort or safety concerns and/or have a negative impact upon the Town; (2) Whether the moratorium will expose a property owner or applicant to substantial monetary liability to a third person or would leave the property owner or applicable completely unable, after a thorough review of alternative solutions, to have a reasonable alternative use of the property.

Section VI. Severability.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Yorktown hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section VII. SEQRA.

This local law constitutes a Type II Action under the State Environmental Quality Review Act inasmuch as it constitutes the adoption of a moratorium on land development or construction. As such this project is not subject to review under the State Environmental Quality Act.

Section VIII. Repeal.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed to the extent of such inconsistency.

Section IX. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

(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. 5 of 2026 of the ~~(County)(City)(Town)(Village)~~ of Yorktown was duly passed by the Town Board on July 7, 2026, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 _____ 2026, 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 1 _____ above.

Deana L. Quast

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

Date: July 8, 2026

(Seal)