NOTICE OF ADOPTION
LOCAL LAW 2-2023
INCORPORATED VILLAGE OF MATINECOCK
BOARD OF TRUSTEES

The Board of Trustees of the Incorporated Village of Matinecock, Nassau County, New York, at a meeting of said Board duly called and held on Tuesday, November 28, 2023, at which a quorum was present and voting, after due notice and a public hearing, duly adopted, Local Law 2-2023 entitled, *"Moratorium on Approval and Construction of Telecommunication Facilities"*

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Matinecock as follows:

SECTION I. Purpose.

A.   The Federal Telecommunications Act (the *"Telcom Act")* was signed into law in February of 1996. The passage of the Telcom Act was in response to new wireless technology and the resulting increased demand for wireless communication services created by the Federal Communications Commission ("FCC") that arose in consequence of the sale of airwave rights and the issuance of additional licenses to new carriers. Limited authority of local governments, including the Village of Matinecock, were preserved under the Telcom Act to regulate the placement, construction, and modification of telecommunication towers, facilities and equipment in local communities.

B.   The Village Trustees have concerns over the presence and location of current and future telecommunication facilities within the Village. The Village desires to ensure that the future siting, installation and expansion of all telecommunication facilities, equipment and accessory uses and equipment, including existing facilities in the Village, be reviewed in light of current law and technology in a manner that will further minimize any adverse impacts, while allowing communication services to be provided in accordance with the provisions of the Telcom Act. In order to conduct this review without any undue pressure, the Village must maintain the status quo in order to allow adequate time to investigate, study, and consider the science and law and then weigh the input from its residents on all issues under the Village's purview as permitted under Federal and State regulations.

C.   Accordingly, in order to maintain the status quo to allow the Village to conduct a thorough review, this law will prohibit the filing of new applications and the consideration of any pending application for the siting, installation, and expansion of wireless telecommunication facilities, equipment and accessory uses and equipment, while the Trustees research the issues, consider available options and, if the Village deems it appropriate, to adopt legislation consistent with the current technologies and legal requirements under Federal and State regulations.

SECTION II.   Imposition of Moratorium.

A.   For a period of six (6) months from and after the effective date of this law, no application for the siting, construction, erection, modification, or expansion of any current or future telecommunication tower, facility and related equipment, or to any accessory wireless equipment or structure, may be filed, accepted or processed. For the purpose of this local law, an application will be deemed to be any request for official action by the Building Inspector, Board of Trustees, Board of Zoning Appeals or other municipal board, or Village agent or employee, whether it be to commence, continue, or finalize the approval process.

B.   The Board of Trustees may in its sole discretion by resolution, extend the moratorium provided for herein for two (2) ninety (90) day periods or, alternatively, terminate the moratorium prior to its expiration.

SECTION III. **Validity.**

If any section, sentence, clause or phrase of this law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding will in no way affect the validity of the remaining portions of this law.

SECTION IV.   Effective Date.

This law shall become effective immediately.

By Order of the Board of Trustees
Jennifer A. Zoufaly
Village Clerk/Treasurer

Dated: December 6, 2023

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