

Town of Ancram
Zoning Revisions Committee
12 March 2012

Members Present: Hugh Clark, Terry Boyles, Barry Chase, Bonnie Hundt, Don MacLean, Jim Miller, Bob Roche, Jane Shannon, Dennis Sigler

Members Absent: Barbara Gaba, Kyle Lougheed, Bob Mayhew

Others Present: Art Bassin, Donna Hoyt, Ann Rader, Ron Rader, Steven Sorman

The Chair convened the meeting at 7:03 p.m., determined no recusals were necessary, and reviewed the committee's intent to accomplish two purposes when establishing cell tower setbacks: ensure safety in the event of tower collapse or ice fall, and mitigate the intrusive effects of cell towers on other aspects of safety, aesthetics, rural character, and property value. The chair also read from a March 11 email from Nan Stolzenburg containing her recommendations about setbacks and her responses to questions associated with several setback scenarios. The chair also noted the July 2010 standards suggested by the Ancram CAC.

After extensive deliberation among committee members and citizens present, the committee decided:

All cell towers shall be set back from all adjoining property lines a minimum distance of 1.5 times the tower height.

All cell towers shall be set back at least 500 feet from habitable structures.

A definition of "habitable structures" must be established and must include accessory buildings that are used as studios, shops, offices, barns, and such. The definition must use criteria such as, but not necessarily limited to, installed electrical power and running water to indicate habitability. The committee agreed that accepting an individual's report of time spent in the structure per day/week/month is not sufficiently verifiable to use when determining whether the structure is habitable.

Members noted that a 500' setback from habitable structures may cause a scenario in which all or much of a neighboring, undeveloped lot may fall within the 500' radius. Although there may not currently be a habitable structure on that lot, the committee recognizes that the owner of the neighboring lot may intend to build within that radius, be concerned about building within that radius, or may find concerns among prospective buyers if the lot owner attempts to sell that property. The committee does not want the 500' setback from habitable structures to create an unbuildable lot. Accordingly, the ZRC wants to include language requiring the Planning Board to ensure during site plan review that the placement of the cell tower will not create an unbuildable lot on any adjacent parcel. Although the building envelope(s) may not be the optimum site on the property, at least one reasonable building envelope must be available outside the 500' setback from the tower.

All cell towers shall be set back from accessory structures (not habitable) a minimum distance equal to the tower height.

Believing that a property owner has the right to determine acceptable risk and act accordingly, the ZRC opted to not impose any prohibition against future structures being built within the setback distances after the tower is installed and operating. To thwart potential liability, the committee requests that language be inserted to note that any landowner who elects to build within the setbacks is doing so at his own risk.

A cell tower may not be located within a DEC or federally regulated wetland.

All cell towers shall be located a minimum distance of 1.5 times the tower height from:

- the habitat of any NYS listed rare or endangered wildlife or rare plant species;
- the boundary of any NYSDEC regulated wetland;
- the edge of any watercourse or water body;
- any historic district or property listed on the NYS or Federal Registry of Historic Places;
- any known archeological site;
- any power line (not construed to be electrical service line to residence or business).

The meeting adjourned at 8:45 p.m.