

Town of Ancram
Zoning Revisions Committee
26 March 2012

Members Present: Hugh Clark, Terry Boyles, Barry Chase, Barbara Gaba, Donna Hoyt, Jim Miller, Bob Roche, Jane Shannon, Dennis Sigler

Members Absent: Bonnie Hundt, Kyle Lougheed, Don MacLean, Bob Mayhew

Others Present: Ron Rader, Steven Sorman

The ZRC convened at 7:07 p.m. , determined no recusals were necessary, and approved minutes for the 19 March meeting.

Members reviewed the revised text of Section 1, Purpose. Ms. Shannon urged slight realignment of phrases to: “The intent of this Local Law is to make available cellular service to the community ... predictable and reasonable, while at the same time: [then, bullets follow].” Members did not object.

Members approved text of the setback revisions, including the revised reference to “power line” and affirmed changing 200’ to 500’ in Subsection 4C6c(6) on page 6.

Recognizing Ms. Stolzenburg’s strong recommendations against amending Section XIII, SPR, and for inserting a note in the Use Table about building within setbacks at the landowner’s own risk, the ZRC requests Nan not amend Section XIII and, instead, insert such a note in the Use Table.

Again considering Subsection 8C, Bond, the committee examined Nan’s and John Lyons’ answers to six questions about “who is the applicant” and effects on bond for cell towers. Accordingly, the committee opted to delete references to the property owner being jointly required to file a bond if the property owner is not also the applicant. After extensive deliberation, members also decided:

- special use permits for cell towers should be renewable permits;
- permits must be renewed every five years;
- application for renewal must be submitted to the Planning Board at least 90 days before the current permit expires;
- before renewing the permit, the PB must ensure that all inspections of the tower have been performed and certifications made that the tower is safe;
- before renewing the permit, the PB must determine whether the bond remains sufficient to cover removal and restoration costs;
- the town must be reimbursed for the costs of bond consultants and other experts;
- a renewal fee should be charged in an amount to be determined by the Town Board.

When making these decisions, the committee examined Subsections 8C(Bond), and also 7G (Inspection of Facilities), and 7H. Edits to any part must be consistent with the other parts. Also, the committee wants to ensure that the renewal application process is clearly articulated, especially any hand-off from the ZEO to the PB. Furthermore, the ZRC underscored the

necessity for the ZEO to maintain and make available to the PB the inspection and test reports, especially third party inspection and tests, called for by Subsection J4 and J5 of Section VII, Administration and Enforcement. Finally, the ZRC asks Nan to opine whether the PB may unilaterally extend the review of the renewal request beyond 90 days if the PB needs additional time to receive expert advice about the bond or similar matters.

The committee then examined Subsection 4C6b and Subsection 7D regarding PB waiver authority. While reviewing, members also considered Comp Plan Detailed Strategy 9.20, Planning Board Discretion; Subsection B6, Planning Board Waiver Authority for All Site Plans, on page 4 of Section XIII, SPR; and the last sentence of Section 5E, Set-back, of Ancram's Non-Commercial Wind Power Facilities Law.

Conclusions were that the first two sentences of 4C6b merit retention; all remaining sentences of that paragraph may be deleted. Subsection 7D warrants retention. Incorporating the last sentence of Section 5E, Wind Tower Law, may be appropriate. The chair will work with Ms. Stolzenburg to prepare several options consistent with this guidance for ZRC consideration and decisions on 2 April.

All recognize that the Telecommunications Law is not as well organized as the ZRC seeks, with required information mingled with procedural steps and with decision criteria in several instances. Members also note that the Telecomm Law contains references to Ancram zoning law that have been superseded, and also contains incorrect references to its own subsections. The Chair and Nan will correct the most significant errors before returning the document to the TB.

However, the committee believes that the suggested revisions to the law's purpose, setbacks, bond, and waiver passages constitute the most substantive and pressing amendments to be made at this time.

Looking ahead, committee members look forward to talking face-to-face with Nan Stolzenburg on 2 April. Discussion topics will include final edits to the Telecomm Law and work to be done on Package #4.

The meeting adjourned at 8:48 p.m.