

Town of Ancram
Zoning Revisions Committee
5 March 2012

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

Members Absent: Barbara Gaba, Kyle Lougheed, Don MacLean

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

The Chair convened the meeting at 7:07 p.m., determined no recusals were necessary, and urged all to keep in mind Comp Plan guidance about cell service—including the Vision, Goal 7: Economic Development, and Detailed Strategy 7.4—and urged all to keep in mind the purpose of Local Law No. 1 of 2011.

While recognizing that this meeting focuses on determining revisions to page 9, Subsection F, regarding setbacks, Ms. Hundt requested that future attention also be given to Section 1: Purpose and legislative findings of LL #1, including her preference that “as soon as possible” be deleted from line 6 and that the text be edited to bullet form for ease of comprehension.

The agenda called for the committee to determine:

- what cell towers should be set back from (e.g. property boundaries, existing habitable structures, other structures) and why such setbacks would be established;
- which setbacks are better—those that are a multiple of the tower height, or those that are a specified distance;
- whether a proposed site’s border with another municipality should be considered when establishing setbacks, or whether setbacks should coincide with those of adjacent municipality;
- of all setback options, which works best and should be recommended to the TB; and
- whether setbacks should be measured from the center of the tower at ground level, or from the edge of the tower base closest to the adjacent boundary or structure at ground level.

Members decided that setbacks should be measured from the edge of the tower base closest to the targeted property line(s) or structure(s), not from the center of the tower itself. The tower base is considered to be the concrete foundation/structure upon which the tower rests.

Members also determined that a proposed site’s border with another municipality, and that municipality’s zoning laws, should not govern Ancram’s establishment of setbacks. Factors leading to this determination included the fact that Ancram borders five other municipalities and those municipalities have significant differences in their cell tower setback requirements.

Extensive discussion among the committee and community participants revealed varied viewpoints about cell tower setbacks. Among those opinions were:

- setbacks should be for safety from tower collapse and should be from all adjacent property lines and buildings;

- setbacks should be for safety from tower collapse and should be from all adjacent property lines and existing habitable buildings;
- property owners should be allowed to accept known risk and build within setbacks if they choose to do so;
- setbacks for safety should be sufficient to decrease alleged risk of health hazards from radio frequency emissions [Note: may not properly be considered when establishing setbacks];
- setbacks must consider not only safety, but also intrusive aspects of the tower and potential negative effects on privacy, aesthetics, and value of nearby properties;
- concerns about aesthetics based on visibility depend on where the tower is located and from where it can be seen.
- the “scale” between the tower and potentially affected residences must be considered when establishing setbacks;
- stringent setbacks will “weed out” properties that are not suitable;
- cell towers are a public utility; they can be regulated, but not excluded from town;
- safety should be a consideration when establishing setback from property line, with a greater distance to dwellings;
- height of the tower plus 10% of that height is sufficient for safety;
- be consistent with setbacks for wind towers;
- should be 300 feet from property line; 500 feet from dwelling;
- should be a multiple of tower height;
- should be height of the tower plus the set back specified in the density table;
- should be 1 ½ times the tower height or 300 feet to the property line;
- should be a set distance to a structure and multiple of tower height to property line;
- and more....

Several preferences ultimately emerged: Each had its supporters; none drew consensus or sufficiently favorable vote:

Setback from property lines:

- *tower height plus 10%
- *1 ½ times tower height
- *300 feet

Setback from structures:

- *tower height plus setback specified in D&D Schedule for that district
- *1 ½ times the tower height
- *2 times the tower height
- *2 ½ times the tower height
- *300 feet
- *500 feet for structures inhabited by people or animals

The meeting adjourned at 9:00 p.m.