

**Town of Ancram  
Zoning Revisions Committee  
19 July 2010**

**Members Present:** Hugh Clark, Terry Boyles, Barry Chase, Barbara Gaba, Bonnie Hundt, Don MacLean, Jim Miller, Dennis Sigler

**Members Absent:** Kyle Lougheed, Bob Mayhew, Bob Roche, Jane Shannon

**Others Present:** Donna Hoyt

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The Chair called the meeting to order at 7:03 p.m.

Members approved minutes of the July 12th meeting.

The committee reviewed the draft law entitled “Town of Ancram Telecommunications Towers” and determined that the following recommendations, comments, and questions should be conveyed to Councilman Chris Thomas and to consultant Nan Stolzenburg:

Re: Definitions—“Collapse Zone:” According to this definition, one must know what the “break point” is before one can calculate the span of the collapse zone. However, “break point” is not defined or explained. Define “break point” or alter the definition.

Re: Paragraph 4B—The ZRC recognizes that collocation on existing structures and camouflaging will probably happen in most instances. However, the committee strongly recommends including a provision that the Planning Board review a visual representation of the proposed collocated and camouflaged facilities to ensure that they actually do minimize the visual impact.

Re: Paragraph 4E—While agreeing with the intent of this paragraph, the ZRC (especially those members with Planning Board experience) has serious concerns that the current wording obligates the Planning Board to conduct pre-application meetings at the convenience of the applicant. The committee recommends revision to clarify that such meetings will occur as scheduled by the Planning Board and at a regularly scheduled meeting of the Planning Board.

Re: Paragraph 5B—The ZRC strongly objects to the fifth sentence (“If at any time...on the application”). To preclude the Town from “getting stuck” (especially if an applicant withdraws before the process is completed), additional funds should be deposited *before* the applicant’s escrow account shows a negative balance. This sentence should coincide with existing town law that requires additional funds be deposited when the balance declines to a specified level or percentage.

Re: Paragraph 6C(5)—The committee notes that the current law (LL#1, 2000) calls for specific map scales. Committee members with Planning Board experience contend that such detail is very helpful and should be required here. Also, the committee poses two questions:

#1—Is the applicant required to survey and map the entirety of a large parcel (e.g. 50 or 100 acres) if the tower site occupies only a small portion (e.g. 1 or 2 acres) of that large parcel, especially if that small portion is located at one end or in a corner of the large parcel? Prevailing

sentiment among the ZRC was that the applicant should not have to survey and map the entire parcel in such circumstances.

#2—Is the parcel on which the tower will be located required to be a separate parcel?

Re: Paragraph 6C(16)—No one on the ZRC could understand this item. What is a “lobe?” What are “maximum lobes?” Define or explain.

Re: Paragraph 6C(21)—The Town Board should deliberate and decide whether this agreement should be with the “Town Supervisor” or the “Town Board.”

Re: Paragraph 6C(26)—While not recommending that this requirement be deleted, some members of the ZRC do find this requirement to “address the impact of property values” to be vague.

Re: Paragraph 6C(27)—The ZRC, especially those members with Planning Board experience, consider the requirement to “explain why a towerless system...is not feasible” to be ineffectual. The committee strongly recommends changing “explain” to “prove” or to “demonstrate.” If such a change is not made, delete the second sentence in this paragraph.

Re: Paragraph 6C(31)—Change “locations where the tower may be seen” to “locations from which the tower may be seen.”

Re: Paragraph 6E—Change “7 copies” to “10 copies.”

Re: Paragraph 7C—After extensive discussion, the ZRC (at the urging of the Planning Board Chair) recommends that IF such a list is established, it should be done by the Town Board or a body created by the Town Board before any applications arrive—but not by the Planning Board. The preferred option is to delete the last sentence about such a list. Also, there was sentiment to delete the first sentence. Ultimately, most committee members believe that this entire paragraph could be deleted as its purpose would be adequately covered within the other features of the application review process. Inserting a provision, such as paragraph E1 on page 14 of LL#1, 2000, may help.

Re: Paragraph 7F—The committee recognizes that lattice towers probably are the least visually obtrusive design currently available and that Mr. Brennan of ATT suggested that the Planning Board be authorized to require lattice towers. However, the ZRC also recognizes that materials, technology, and design standards constantly evolve and that it may be short-sighted to require one design in all situations. Accordingly, the committee suggests that this paragraph be revised to describe the end results that are sought rather than requiring only one design, and suggests wording to this effect: “If a new structure is required, its design must be the least visually obtrusive of all reasonable options. Structures that effectively camouflage the facility are encouraged.”

Re: Paragraph 7J—Delete or complete the unfinished last line.

Re: Paragraph 7S—As written, this requirement is vague and leaves open to discretion what constitutes the lowest possible noise. Change to: “Noise-producing equipment shall be sited and mitigated so that the maximum noise level shall not exceed 40 dBA as measured at all adjoining property lines and rights of way.”

Re: Paragraph 7X—Because Ancram town emergency services are part of a county network, insert “and county” into this paragraph: “The Planning Board shall require that town and county fire, highway and emergency services be given....”

Re: Paragraph 8A—Change “shall be published in the official newspaper for the Town no less than 10 days in advance” to “no less than five days in advance.” Also, to be consistent with ZBA and PB procedural revisions, change “The applicant shall be required to mail notice” to “The Secretary of the Planning Board shall provide notice....” and add that “the town shall charge the applicant either a flat rate or a statement amount per notice for satisfying this requirement.”

Re: Paragraph 8C—This paragraph deals with actions that occur after the application process has been completed and a decision rendered. It should be moved to a position toward the end of paragraph 9, perhaps immediately preceding the current 9F. Also, this paragraph calls for the applicant to file annually a certificate with the town that the applicant is complying with “its maintenance and inspection procedures.” The pronoun “its” appears to refer to the town’s procedures, but does not overtly do so. It can be argued that “its” refers to the applicant’s own maintenance and inspection procedures. Clarify; replace the pronoun with “the town’s” or “the applicant’s,” whichever is correct. By the way, where are the maintenance and inspection procedures specified?

Re: Paragraph 9A—Include a statement that if the Planning Board denies the application, it must include in its notification a written explanation of its reasons for denial.

Re: Paragraph 9D—Delete the second clause, “or where particular provisions would impose a material adverse financial impact upon an applicant.” This clause is inherent in the first clause and need not be overtly included. More significantly, this is one of several provisions in the draft that evoked strong reaction from most committee members that the document tilts too strongly in favor of the interests of the commercial applicant.

Re: Paragraph 9F—It was not clear to the ZRC that one condition for renewal of the five year permit is an inspection and report of the structure’s satisfactory condition by a competent engineer. The ZRC believes that such an examination is necessary. It is possible that the annual reports cited in paragraph 8C may meet this need, but any intended linkage is not clear.

Re: Paragraph 10C—The Town Board should deliberate and decide whether this bond or other security should be acceptable to the “Town Supervisor” or to the “Town Board.”

Re: Paragraph 10D(1)—Based upon feedback from the ZEO/BI about the draft revision to Section VII, Admin & Enf, the committee suggests adding the Building Inspector and Code

Enforcement Officer to the list of those town agents charged with enforcing the terms and conditions of the permit.

Re: Paragraph 10D(2)—This paragraph provided several moments of levity during the committee’s review. Are there violations that are not prohibited? Isn’t prohibition an inherent characteristic of violations? As one committee member noted, this paragraph suggests a pet owner admonishing a wayward pup—“Bad dog!” Suggest the paragraph be deleted.

Re: Paragraph 10D(3)—For consistency with other draft revisions, change \$100 to \$200.

During its review of this draft, the ZRC increasingly examined LL#1, 2000, as a baseline. Although all agreed that LL#1, 2000, is complex, imposes excessively strict requirements, and requires unnecessary information, all also agreed that LL#1, 2000, requires some details that are very helpful to the Planning Board. The current draft omits most requirements for such information.

The map scales cited re: paragraph 6C(5) above are one example of such detail that Planning Board members consider to be very helpful. Other scale and site information examples can be found in pages 8-10 of the current law.

The ZRC also notes no procedures in the current draft for the Town/Planning Board to review and approve modifications to the initial tower and facility configuration. Pages 5-6 of LL#1, 2000, state that no existing facility or tower shall be “modified, moved, reconstructed, expanded, changed, or structurally altered” except in accordance with specified procedures and requirements that are then identified. The committee believes that additions and other changes may warrant a new application, but at least should be subject to Planning Board review.

The ZRC also recommends that the draft should explicitly determine “who owns the structure.” Information about ownership of land, tower, and facility—and agreements among various parties—can be very helpful. Such information is called for on page 7 of the current law.

To make the document more user-friendly to applicants, the Planning Board, and the community, it would be helpful to group like items together and to label them. For example, paragraphs 7E and 7G both deal explicitly with tower height and could be grouped together. Paragraphs 7B, C, D, F, and L all deal with minimizing visual intrusion. Other examples recur.

The committee commended Ms. Stolzenburg for compiling and adapting so much relevant material in such a brief span of time.

The meeting adjourned at 8:50 p.m.