

## Draft Resolutions Ancram Town Board Meeting – 6/21/2012

### 23. Cell tower law Negative Declaration

**RESOLUTION  
ANCRAM TOWN BOARD  
NEGATIVE DECLARATION - TYPE I ACTION  
DATE: JUNE 21, 2012**

**WHEREAS**, the Town Board of the Town of Ancram (“Town Board”) desired to update the existing telecommunications law (LL#1 of 2011); and

**WHEREAS**, the updated law was drafted, and reviewed by the Zoning Review Commission; and

**WHEREAS**, the Town Board will submit the updated Telecommunications Law to the Columbia County Planning Board as required by NYS General Municipal Law 239-m, and the Town of Ancram Planning Board as required by the Zoning Ordinance, and the proposed action does not require any other permits or approvals from other State and Federal agencies prior to adoption; and

**WHEREAS**, the Town Board declared itself Lead Agency and conducted an environmental assessment according to SEQRA, 6 NYCRR Part 617; and

**WHEREAS**, the Town Board, after consideration of the Full Environmental Assessment Form Part I and Part II finds that

The law regulates construction and operation of telecommunication towers in Ancram which takes into account through procedures and standards, the need to minimize environmental impacts, especially those related to visual impacts. The Law establishes requirements for site plan and special use permit review processes. The updated law establishes more protective setbacks to protect existing structures as well as environmental features. The Law requires an extensive application so that the Planning Board has detailed information upon which to make its decision. The Law includes a requirement that applications must submit a visual impact assessment so that the community can determine the visual impacts. The Law also references the specific requirements for cellular towers that may be located within the Ancram Scenic Overlay district. The Law establishes standards and conditions related to minimizing visual intrusiveness via colocation, camouflage, proper siting with respect to slope, ridgelines, woodlands, etc., height, signage, fencing, setbacks, utilities, emergency access, removal, grounding, noise, shared space, airspace, and local access. The Law requires a public hearing so that neighbors can comment on the possible impacts

of a cellular tower. The Law includes updated and clarified requirements for bonds, waivers, renewals, inspection and enforcement of any permit conditions placed upon it by the Planning Board.

The Law offers a method upon which cellular services can be provided within the Town of Ancram and at the same time, environmental features preserved or negative impacts mitigated.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Ancram Town Board hereby declares that adoption of the Town of Ancram Telecommunications Tower Law described herein, will not have any significant negative environmental impacts; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes filing of a negative declaration (attached hereto), according to SEQRA, 6 NYCRR Part 617; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is authorized to execute the Full Environmental Assessment Form.

**WHEREUPON**, this Resolution was declared adopted by the Town Board of the Town of Ancram:

The motion was moved by \_\_\_\_\_.

The motion was seconded by \_\_\_\_\_.

Vote:            Yes:            No:

**Negative Declaration Notice**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Ancram, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Adoption of the Town of Ancram Telecommunication Tower Law

**SEQR Status:**    **Type I**    **X**    Unlisted   

**Conditioned Negative Declaration:**    Yes

**X No**

**Description of Action:** Adoption of an updated Town of Ancram Telecommunications Law governing the review and siting of telecommunication structures.

**Location:** Town of Ancram, Columbia County: The law covers the entire acreage located within the municipal boundary of the Town.

SEQR Negative Declaration

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**Reasons Supporting This Determination:**

(See 617.6(g) for requirements of this determination; see 617.6(h) for Conditioned Negative Declaration)

The Town Board of the Town of Ancram has determined that the Adoption of the Town of Ancram Telecommunications Tower Law, as described on Page 1 of this Negative Declaration, will have no adverse environmental impacts as per 617.7 of 6 NYCRR Part 617 (SEQRA). The Board has compared the proposed action (the Adoption of the Law) against the criteria listed in 617.7 (c) (i – xii) and has considered the potential long-term, short-term, direct, indirect and cumulative impacts as per 617.7 (2) and has also assessed the likely consequence of the action in connection with the criteria of 617.7 (3) (i-vii). Based on this assessment and review the Board has determined that no negative impacts will occur as a result of the adoption of the updated Town of Ancram Telecommunications Law. The Town Board finds that adoption of the updated Telecommunications Law will allow careful review and siting of all proposed cell towers to minimize intrusive visual and environmental impacts:

The law regulates construction and operation of telecommunication towers in Ancram which takes into account through procedures and standards, the need to minimize environmental impacts, especially those related to visual impacts.

The Law establishes requirements for site plan and special use permit review processes.

The Law requires an extensive application so that the Planning Board has detailed information upon which to make its decision.

The Law includes a requirement that applications must submit a visual impact assessment so that the community can determine the visual impacts.

The Law also references the specific requirements for cellular towers that may be located within the Ancram Scenic Overlay district.

The Law establishes standards and conditions related to minimizing visual intrusiveness via colocation, camouflage, proper siting with respect to slope, ridgelines, woodlands, etc., height, signage, fencing, setbacks, utilities, emergency access, removal, grounding, noise, shared space, airspace, and local access.

The Law requires a public hearing so that neighbors can comment on the possible impacts of a cellular tower.

The Law includes requirements for inspection and enforcement of any permit conditions placed upon it by the Planning Board.

The Law offers a method upon which cellular services can be provided within the Town of Ancram and at the same time, environmental features preserved or negative impacts mitigated.

Further, the updated law clarifies purpose statements; establishes more extensive setbacks from structures, property lines, wildlife habitats, watercourses, historic sites, and utility lines; clarifies the Planning Board’s waiver authority and bond requirements; updates the renewal and inspection requirements; and includes standards for expiration and lapses of use of a telecommunications tower.

For Further Information:

Contact Person: Town Supervisor Art Bassin

Address: 1416 County Route 7, Ancram, NY 12502

Telephone Number: 518-329-6512

**For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:**

✓ Commissioner, Department of Environmental Conservation, 625 Broadway, 4<sup>th</sup> Floor, Albany, New York 12233-1750

✓ Appropriate Regional Office of the Department of Environmental Conservation

✓ Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.

Applicant (if any)

Other involved agencies (if any)

**24. Cell tower law adoption**

RESOLUTION OF THE TOWN BOARD FOR THE

**Town of Ancram**

In the Matter of the Adoption of the  
Town of Ancram Telecommunications Towers Law

WHEREAS, the Town of Ancram adopted a Comprehensive Plan, which is a statutorily recognized instrument under Town Law §272-a for the immediate and long-range protection, enhancement, growth and development in a Town; and

WHEREAS, The Town of Ancram Comprehensive Plan encourages the Town to improve its' telecommunications and utility infrastructure, including cellular services in a manner that would be technically and aesthetically feasible, and to encourage co-location of services; and

WHEREAS, the Town of Ancram Town Board, after careful review, determined that the existing local law regulating telecommunication towers (Local Law #1 of 2011) was not adequate to meet the needs of the Town in order to meet the objectives of the Comprehensive Plan and to protect the environment and enhance the health, safety and welfare of the community and residents; and

WHEREAS, the Town of Ancram Zoning Review Committee prepared an updated draft law in accordance with the adopted Town of Ancram Comprehensive Plan; and

WHEREAS, the Town Board has reviewed the draft Telecommunications Towers Law, has provided written notice of a public hearing to the public and to adjacent municipalities pursuant to Town Law 264 (2)(c), and conducted a public hearing thereon; and

WHEREAS, the Town Board has referred the draft Telecommunications Towers Law to the Planning Board, and received written comments from them; and

WHEREAS, the Town Board of the Town of Ancram has caused to be prepared a Long Environmental Assessment Form (EAF) pursuant to the mandates of the State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617); and

WHEREAS, the Town Board has duly considered the contents of the EAF and completed Parts 2 thereof; and

WHEREAS, the Town Board has identified the relevant areas of environmental inquiry and taken a hard look at them; and

WHEREAS, the Town Board has issued a negative declaration under SEQRA thereby complying with the mandates of the State Environmental Quality Review Act; and

WHEREAS, the Town Board has completed requirements of NYS General Municipal Law 239-m by forwarding a copy of the draft plan to the Columbia County Planning Department and waiting 30 days for their response; and

WHEREAS, the Town Board intends to rescind Local Law #1 of 2011 and replace it with this updated Telecommunications Towers law,

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF ANCRAM, COLUMBIA COUNTY, NEW YORK:

THAT THE Town Board of the Town of Ancram hereby adopts Local Law # 1 of 2012, herein referred to as the Town of Ancram Telecommunications Tower Law; and

THAT THE Town Board rescinds Local Law #1 of 2011; and

THAT THE Town Board shall file such local law along with a certified local law filling form according to requirements of and with the New York State Department of State; and

THAT THE Town Board shall publish a summary of the local law in the official newspaper of the Town and will place a copy of the entire law on a sign board near the Town Clerk's Office and on the Town's website.

Motion Made by:

Motion Seconded by:

Vote:

\_\_\_\_\_ Yea

\_\_\_\_\_ No

**25. Adopt purchasing policy:** Whereas it is required by Town Law that every town have a purchasing policy to guide buying decisions and insure the Town is receiving the best possible prices for goods and services procured, and whereas the Ancram Town Board and the Financial Advisory Council have reviewed the proposed purchasing policy document and find it to meet the requirements of the Town's need for a purchasing policy, therefore it is resolved that the proposed Purchasing Policy be adopted and incorporated into the Town's Financial Policy and Process manual.