

The Clinton Town Board held their zoning revision meeting on this day in the Town Hall. Present were Supervisor Ray Oberly and Board Members Nancy Cunningham, Dean Michael, Michael Whitton, and Eliot Werner. There were seven residents in the audience.

Supervisor Oberly called the meeting to order at 7:00 PM and led the Pledge of Allegiance.

### **Councilmember Michael's Comments**

#### **§250-42 Cluster development, residential**

**Councilmember Michael** Asked Cynthia Koch to read her comments from her email  
**Cynthia Koch** want to add a in 250-41 c2 a section j and add j "Protection of Hamlets, Ridgelines and Scenic and Historic areas as found in section 250-11 (Hamlets) and 250 -15 (Ridgeline, Scenic and Historic Protection)".

**Ray Oberly** say C2c already covers this item

**Dean Michael** Feels it will force all cluster developments to have to deal this these codes even if they don't apply.

**It was agreed to add 250-42 C2j**

#### **§250-44. Commercial communication facilities**

**Merida Wells** Why are we switch must to shall and why are we not charging a fee

**Elliot Werner** The planner said we couldn't charge them annually without any changes

**Russ Tompkins** it has 16 pages and in A4 he thinks we should encourage more cell towers

**Elliot Werner** Doesn't think this law is deterring the cell companies from putting them up

**Michael** to read Ian Shrank's email attached hereto as Appendix A

**Ray Oberly:** Page 1 Paragraph 2 more interested in the vision than providing good communication facility and it's a disservice. Doesn't look to the future like 5G

**Michael Whitton** Language in D4e use the language in D1a as to any alteration needs a special use permit

**Art Wieland:** Confused by the term of colocation on existing structures and concerned by deleting 6b

**Werner** Said to art to read the definition of colocation

**Oberly** D2a&b why let's add existing structure, 8B what's a tree (6'width and 4.5' height) fix the section by deleting limited to 25 ft above the average tree.

**Wieland** Should ask for a height variance

**Whitton** thinks it's easier to just have a solid height instead of these variables

**Oberly** Page 6 In 11a all structures are metal and not laminated

**Robert Trzincinski** Said that fiberglass is a laminate so they are being used

**Samantha Karchmer** In a google search is with wood laminates are mostly used near wind turbines

**Nancy Cunningham** We should try to defined to help the Planning Board

**Oberly** In page 7 in 12Bi in the 500' height with camouflage reduces the height. In 15b change shall to should and in 15d should exclude fences, facilities and access road.

**Werner** 15B&C contradicted the use

**Oberly** Page said to ad excluded

**Trzincinski** Need Facilities for many things like generators, etc

**Oberly** Page 10 25e should have dimensions on road standards 25d unpaved road width and depth add Fire district, 27c and add a bond or suitable instrument.

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**Whitton** 27a should put in 12 months at the end of the sentence

**Karchmer** want to know if the bond would be part of the contract.

**Werner** asked if it should be on the top of 11 also?

**Whitton** said the that Ian said 12e is missing an item

**Oberly** Item 31 Town should be listed as additional insured

**Werner** will talk with the insurance company for language.

**Whitton** page 13 ask per Ian change **Oberly** said change to 1 Mile and D4b about a written contract and get a copy should provide a copy of the contract

**Wieland** One reason is it may have proprietary info and may not want to provide it

**Justin Carrol** may excluded that proprietary info or have a notary provide an affidavit.

**IAN's** comments to delete the last 7 words of D4b we agreed on the last 4 and D5e change to 1 mile and all other comments were review

Councilmember Michael said we will discussed the sections (250-45 on hold), 250-49 and 250-51 and possibly 250-61b at the next meeting on May 16th at 7pm.

### **ADJOURNMENT**

MM Oberly, 2nd Michael that the Town Board adjourns the meeting. at 9:15 PM.

Respectfully Submitted,

Dean Michael, Councilmember & Zoning Revision Chair

Sent April 15, 2019  
Dear Town Board,

I would like to submit my comments to the proposed revisions to 250-44 to be discussed on Thursday:

Perhaps my most important comment is whether we know why Clinton has such poor cell coverage? Will 250-44 serve to make things worse and, if so, how? I favor better coverage, but we need to balance the need for better coverage with protecting our environment.

Below are two lists - first the substantive comments, and second are comments meant to improve clarity.

#### Substantive

D1 and D33 - the need to renew a license has been deleted. This seems unwise for at least two reasons : (i) our understanding of health risks may change over time and the town should be able to require changes to protect its citizens and (ii) conditions on the ground may change such that the location becomes a material problem. The Town should not lightly force a properly licensed user or owner to change the facility in the future, but the Town should have that right for sufficient cause. Instead of an obligation to renew, the Town could reserve to itself the right to require modifications and even removal if the risks to the Town are too great.

D4(b) - I do not understand the addition of "evidence of" - why not require the contract itself? If pricing is confidential and seems irrelevant to the PB analysis, it could say "...shall provide a written contract (the pricing provisions of which may be redacted)..."

D4(b) - I would delete the last 7 words, as if there is a commitment to use the facility, but only in the future, that should also be disclosed.

D5 - forgive my ignorance, but when there is a collocation, does nothing physically change to the facility being used by a second or subsequent FCC-licensed carrier? If such changes may occur, then such an application should not be exempt from the many requirements in D5 to the extent of those changes.

D5(d) - this hurts our neighboring towns, and if they adopt the same language, it can hurt Clinton, in that it would force users to build more towers than if one tower could service more than one town. Is this really what we want?

D5(e) - any sense of how many structures in Clinton are over 50 feet tall? Might this 4-mile radius requirement be too burdensome for applicants such that they will be turned away? (also an issue in D32(c)(viii))

D6(b) - why deleted, should not the towers be subject to the same restrictions as homes? D8(b) would be repetitive if this deletion were not made

D7(b) - should not the builder of the original structure be able to charge the person who wants to co-locate on that structure a reasonable fee (like owners of power transmission lines can do to power generators)?

D8(b) - "tree" should be defined, perhaps by the minimum width of its trunk or, better, by its minimum height. Otherwise, you could plant 20 tiny trees and have a higher tower.

D10(a) - why is there a free right to increase height if being added to an existing structure. For example, the 80 foot limit in D8(b) could thus be avoided.

D27(a) - last sentence seems unduly harsh, why not allow a modest gap in time of usage, like a few months?

D27(c) - strongly recommend the contract be "satisfactory to the Planning Board in form and substance".

D27(d) - Town should have a direct contract with the party agreeing to remove

D31 - this should specify that the insurance is general liability and/or that the scope of coverage should be satisfactory to the Planning Board

D32(c)(vii) - the buildout plan cannot take into account all potential new technologies

#### Clarity

D4(a) - I believe the intent here would e better served if it was reworded to "...shall name all of the FCC-licensed carrier(s)...".

D4(e) - I would clarify to read: "The repair, or replacement with like kind, of antennas or accessory equipment, shall not..."

D5 - please define collocation. My suggestion is to revise to say: "...for an application not from an FCC-licensed carrier wishing to use a facility already subject to a permit which allows such use (a "collocation")"

D7(c) - D7(b) says collocation must be allowed, but D7(c) contemplates an owner of a structure refusing to allow collocation. Is that not inconsistent?

D16(c) and (d) - should say "All accessory buildings..." and "Accessory buildings..."

D27(e) - something missing at the end

E1 - to clarify what I believe is the intent here, this should change to read: "...shall be given the benefit of the provisions of clause (3) below."

Thank you  
Ian Shrank