

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 two 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**

**Dean Michael** started off with a review of the previous minutes and changes.

**Michael Whitton** questioned what was a line in the minutes that said he increased.... So it was corrected.

**Elliot Werner** had to corrections to the previously edited sections: in §250-42 In D9 add useable and in §250-44 32 C viii "take out the S on miles"

### **§250-48 Dwelling Standards**

**Russ Thompkins** Thinks Sec C is confusing as to calculations and wants it fix. So after some discussion we changed from the lot line to the sides of the house

### **§ 250-49. Educational institutions or vocational schools**

**Ian Shrank** said there is no other location for vocational schools so it should be added back in 250-49 and schedule of use. In D we should add "Structures" in C we should change to 500 people

**Ray Oberly** questions in C why on state and county roads? In B no special permit and should add should add in "shall be allowed"

**Shrank** said we should apply the same rule for parking as in other sections

**Oberly** wants to add "line" in section D

**Tompkins** should add vocational to the schedule of use

### **§ 250- 51. Farming, agricultural protection and right to farm**

**Oberly** concern that 250-51 hasn't been seen by Ag-Markets and the Planning Board. He is also concern with the technical aspect of soils and others topics.

**Michael** said he will send our corrected version to them after tonight's meeting.

**Oberly** on page 1 section C said there's too much info and said who's going to monitor it?

**Shrank** wanted to know if our intent is to let Farmers do anything they want? And the Farmers should still have to be in compliance with all applicable laws. Said he will send a suggested change in A and B to modify it.

**Oberly** said in E we should take out the word "use" and replace with "property", In F1d wants to know what is actively? We discussed and chose to change it the IRS term of 3 out of 5 years.

**Shrank** wanted to know if it needs a site plan

**Oberly** said in G4 there is more sun use and is not compatible

**Dean Michael** said we should just take it out as it is covered by the solar law.

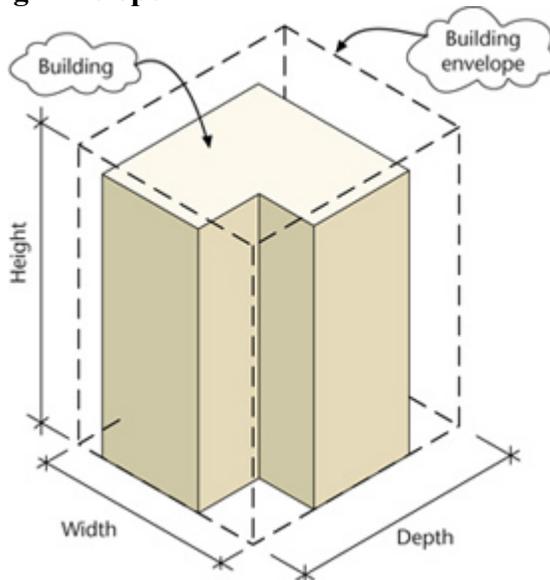
**Shrank** in E & F are the standard of G and H we should used first line of G and add to H. He also questions the word predictable?

**Whitton** said that it's up to the planning board to determine that.

**Shrank** in G2 we should take out the part in woodland because it suggests that that is preferred.

**Tompkins** thinks we should keep it and is unclear as to what a building envelope is in H because it's not in definitions. We should take out G4

**Building Envelope**



A building envelope is the maximum three-dimensional space on a zoning lot within which a structure can be built, as permitted by applicable height, setback and yard controls

**§ 250- 61.2 Motor vehicle related uses**

**Werner** Why is motor vehicle accessories are not allowed, and is not in definitions and should add SP in the schedule use chart

**Tompkins** in D3 concern that we can't dispense of petroleum products should be changed to "except to the point necessary to complete repairs".

**We decided to finish this section at the next meeting after we finish the dude ranch and conference centers**

Councilmember Michael said we will discussed the Conference centers at the next meeting on June 6th 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

## Appendix A

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