

TOWN OF CORINTH
ZONING BOARD

600 Palmer Avenue
Corinth, New York 12822
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WILLIAM CLARKE
CHAIRMAN

Sigrid Koch
Tracey Chandler
Glenn Tearno

Jackie White, Esq.
Zoning Board Attorney
Lynn Summers -*Secretary*

May 2 ,2019
Meeting Minutes

MEETING CALLED TO ORDER by the Chair at 7:00PM.

Roll Call:

William Clarke, Chairman-Yes
Tracey Chandler- Yes
Sigrid Koch- yes
Glenn Tearno - Yes

Jackie White, Attorney-Yes
Lynn Summers, Secretary-Yes

Public Present

Kimberly Revak

Motion to Approve the Previous March 7, 2019 as presented by

Motion by: Glenn Tearno

Seconded by: Tracey Chandler

Roll Call Vote

William Clarke- yes
Tracey Chandler – yes
Sigrid Koch – yes
Glenn Tearno – yes
Motion passed and carried.

1. New Business:

Application: Use Variance

AT&T – Colocation of Cell Tower-

83 Heath Rd. (owned by Crown Castle) (existing Tower on location)

TM#: 86.-2-54.1

**Extending Tower Height by 18’ for colocation, expanding compound
(200’) for the equipment**

Chair William Clarke asked the Attorney Jackie White if this application would require a Public Hearing next month – Jackie

replied seems that way if going to move forward with the Use Variance Application.

The Applicant provided information on the Federal Section 6409 and said that the application falls under this regulation.

Jackie said we need to look at the parameters under the Federal Section 6409 to see if the Application does fall under the Section 6409 Federal Regulation

Federal Regulation: Section 6409 of the Federal Middle-Class Tax Relief and Job Creation Act (Section 6409) was adopted in 2018. Under Section 6409, your city retains discretionary zoning review over the construction of new towers, but simple collocations and/or equipment upgrades at existing telecommunications facilities must be approved.

Zoning Board is restricted as far as denial, may not deny and shall approve any “eligible facilities” request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

The Federal Law defines an “eligible facilities request” as (A) collocation of new transmission equipment; (B) removal of transmission equipment; or (C) replacement of transmission equipment.”

AT&T’s application is an Eligible Facilities Request under Section 6409

AT&T is proposing to install: 6-antennas, 15-radios, 4-surge protectors at 194’

AT&T will also have 3 equipment cabinets and 1-generator on a platform located at the base of the tower within the existing compound area (with a proposed 5’x40’ fence expansion).

Accordingly, AT&T’s installation involves the “collocation of new transmission equipment” and “adding of equipment” that will not increase the height of the tower nor the dimensions of the equipment compound more than 10%. As a result, the installation “does not substantially change the physical dimensions of such tower or base station.” Therefore, these proposed equipment upgrades constitute an “eligible facilities request” under Section 6409. and must be approved.

Kimberly Revak – Site Acquisition Consultant

Centerline Communications for AT&T

Kimberly works for Centerline- in the field to find Towers and lands to build on.
Hired by AT&T First Net Project.

After 911 there was a big push to develop the First Responders Network to make it more reliable.

- First Network is a Federal Program for First Responders.
- AT&T Carrier won the bid for the First Services Network.

- 250 Communities were identified to install Cell Towers
- First Net has a short time period to complete the work - Time sensitive program.
- Town of Corinth has been chosen for 2 locations for towers.
- Spruce Mt. – originally looked at Spruce Mt. but decided there is too much going on at that location. A lot of other carriers are there.
- Heath Road location has an existing tower. Just complete an 18' extension which meets the requirements of First Net Program
- SEQRA Part 1 was completed
- Paid the application fee
- Started the Title Search

➤ **Timeline for Review and Approval**

The FCC Order determined that a municipality must act on an eligible facilities request within sixty (60) days of receiving the application.

Applicant wanted an approval at this meeting.

Attorney Jackie White referred to:

Jim Martins Determination dated 4/5/19 and she stated that we received a letter dated 4/12/19 from the applicant referring to the Federal Section 6409 that the application falls under.

Jackie will speak with Jim Martin re: The Letter referencing the Federal Section 6409 that the application falls under to get his input because his Determination was dated 4/5/19 prior to receiving the Federal Section 6409 information from the applicant.

MEMO

Date: April 5, 2019

To: Albert Brooks (via email)

From: Jim Martin, AICP, Acting Zoning Administrator for the Town of Corinth

Re: Inquiry Related to 83 Heath Rd. (Tax Map No. 86.-2-54.1)

I am in receipt of a request for a land use determination relating to the upgrade and expansion of cell tower at 83 Heath Road. My understanding of the nature of this request is as follows:

- **Informational Material Received and Reviewed:** An email message indicating the following:
"Project #1 - Colocation on an existing Crown Castle tower located at 83 Heath Road, Corinth, New York 12822
 - CDs for project attached for your reference. Adding Antennas to Tower and Equipment Platform within Compound.
 - Note: Tower is NOT in APA.
 - I need confirmation on the Town's required process. Site Plan Review or just BP?
 - I need written confirmation of Fees?"
- **Location:** 83 Heath Road (tax map no. 86.-2-54.1)
- **Land Use:** The principal use of the existing parcel is for several storage-type buildings and the pre-existing cell tower.
- **Land Use Designation:** Industrial (I).
- **Parcel Characteristics:** The lot on which the tower is currently located is approximately 14.91± acres in area with frontage on Heath Road. The parcel is partially wooded with a majority of the parcel area open and vacant. Existing improvements to the parcel include several storage buildings and an existing cell tower.

Determination: The cell tower use is not a listed use for the I District. As I understand the proposal, the tower is to be upgraded with installation of new equipment and one or several new antennas are to be also be installed resulting in an increase in height. Two sections of Chapter 89 – Land Use apply:

1. §89-10 H. of the Land Use Chapter of the Town Code. The section reads as follows:
"Only those uses specifically identified as permitted principal uses, permitted accessory uses, permitted special use permit uses and permitted site plan review uses shall be permissible in their respective land use districts. All other uses are expressly prohibited unless granted a use variance by the Zoning Board of Appeals pursuant to Article X. [Amended 4-3-2008 by L.L. No. 1-2008]"
2. §89-16 E. of the Land Use Chapter
"Expansion; enlargement.
 1. No building or structure rendered nonconforming by the enactment of this chapter or by reason of any subsequent amendment to this chapter or to the Land Use Map may be expanded or enlarged.
 2. No building, structure or facility used or occupied for a nonconforming use may be expanded or enlarged for the same use or be used, occupied, expanded or enlarged for any other nonconforming use."

As the existing cell tower use is not listed – a use variance for expansion of the tower is required as indicated in the referenced excerpt. However, those elements of the project which do not constitute enlargement (increased height) constitute replacement of existing components and are not subject to approval of a use variance.



Board Discussion:

- Public Hearing required – which would happen next month?
Jackie White will contact Jim Martin (Zoning Board Administrator) for the Town of Corinth regarding the necessity of a Public Hearing.
- Concerns of the Federal Regulations? – will get feedback from Jim Martin.

Meeting Adjourned: Motion to adjourn at 7:45PM made by Sigrid Koch,
Seconded by: Glenn Tearno

William Clarke- yes
Tracey Chandler – yes
Sigrid Koch – yes
Glenn Tearno – yes
Motion passed and carried.
All in Favor - Aye

Submitted by: Lynn Summers