
ZBA Members Present:
Daniel Persing, Chairperson
Stephen Day
Adrian Ooms
Christie Ellis
Kim Garrison – Town Attorney

Public Present:
David Kenney, John Cooley
Jack Millard

The meeting was called to order at 7:05 PM and the Pledge of Allegiance was recited.

Motion to approve the January meeting minutes as written, made by Mr. Day, seconded by Ms. Ellis, all in favor, motion carried.

**Public Hearing:
An Application for a Special Use Permit from American Tower Corporation located at 181 Harmon Heights Rd., Tax ID#66.1-24.111-2, to allow a cell tower upgrade.**

Chairman Persing goes through the new materials received by the Applicant with the Board and the recommendation received by the Columbia County Planning Board. David Kenney, the Attorney representing the Applicant explains the narrative as well as the maintenance agreement to the Board and the Public. Chairman Persing states that the Board did a site visit, Mr. Kenney states American Tower and the other carriers will be maintaining the stealth design as part of a condition of this approval. Ms. Ellis asks what the timeline will be for the maintenance, Mr. Kenney states he will have to find out what it will be to get it back to the original state, but probably 30-60 days for a repair. Ms. Ellis requests it be put in writing. Chairman Persing adds that the goal with this is to make sure the tower does not end up in violation again. Mr. Cooley asks if this is an extension of the tower itself, Mr. Kenney states it is and will be a total of 135ft with the extension. Mr. Kenney states under the federal regulations they can do a 20ft extension but they are only doing a 15ft extension. Mr. Mallard asks if it is 4G or 5G equipment, Mr. Kenney states it has the capability for 5G, but believes this application is for 4G. Mr. Cooley states he wants to submit an email he received from John Lyons for the record. Chairman Persing states one of the conditions with the approval will be they cannot do any further extensions to the tower without a variance and asks if there are any further comments. Mr. Kenney adds that in closing this extension is due to a gap in coverage and is actually life saving if someone were to get in a car accident at night in that area they would now be able to use their cell phone to call for help.

A motion to close the Public Hearing was made by Mr. Day at 7:30pm with a second from Mr. Ooms, all in favor motion carried.

Chairman Persing states that a Special Use Permit has two parts, one that it is in harmony with the Town Code and that it will not adversely affect the neighborhood. Ms. Ellis states it

complies with the Federal Regulations, Chairman Persing asks if there are any further discussions on the affects on the neighborhood – no response. Chairman Persing starts the discussion on the conditions with the approval, Ms. Ellis adds the final plans need to be attached to the conditions. Mr. Kenney states the final plans should be dated February 19, 2019. Chairman Persing adds the narrative, timeline and maintenance agreement also need to be attached to the approval. Ms. Ellis agrees a 30 day timeline with a potential 30 day extension to complete any repairs is sufficient. Ms. Garrison suggests having an outside inspection periodically, Chairman Persing adds that American Tower should submit the inspection report to the Town Building Department after each inspection every 6 months. Mr. Kenney states the law states there can't be anymore height extensions on this tower. Chairman Persing adds another condition will be any deviation from the final plans would also be a violation. Ms. Garrison states they will draft a resolution and distribute it to the Board for review.

A motion to request Grant and Lyons to draft a resolution to approve the Application and that the escrow account be paid in full was made by Mr. Day with a second from Ms. Ellis, all in favor motion carried.

A motion to adjourn the meeting was made by Mr. Day with a second from Ms. Ellis and the meeting adjourned at 7:54 PM.

Daniel Persing, ZBA Chairman
March 4th, 2019

Respectfully submitted by
Erin Reis, ZBA Clerk