



# Memorandum

## *Planning Board*

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TO: Mayor Randy Casale and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: City Council Request to Review Proposed Local Law to create Section 223-26.4 concerning Small Cell Wireless Facilities

DATE: July 12, 2018

At the June 12, 2018 and July 10, 2018 Planning Board meeting, members reviewed and discussed the proposed Local Law to create Section 223-26.4 concerning Small Cell Wireless Facilities. A comprehensive review of the proposed law took place with the City Attorney Jennifer Gray and City Planner John Clarke with particular attention to with a focus on areas of the law that pertain to planning and zoning issues and also the jurisdiction of the Planning Board. They reviewed the list of five categories of applications that would be under the Planning Board's jurisdiction and generally agreed that the Planning Board rather than the Building Department should be the approval authority for these categories of applications due to the potential impacts on the community. The Board also reviewed and generally agreed that the City Council is the appropriate approval authority for the categories of applications listed under proposed Section 223-26.4C.

A considerable discussion took place regarding provisions under proposed Section 223-26.4G, entitled, "City requirements as to aesthetics and neighborhood impact mitigation." The board also reviewed the recommendations from Dutchess County Planning and Development. Members were in favor of banning small cell facilities in the Historic District and Landmark Overlay Zone but were open to allowing exceptions on a case by case basis, where appropriate, such as on top of buildings. They were agreeable to each of the remaining requirements set forth at proposed Section 223-26.4G(b)-(j), but noted that subsection (h) may be in conflict with the City Council jurisdictional threshold for applications involving installations on sidewalks. It was also recommended that where the Planning Board is referenced in Section 223-26.4G it should be revised to also include the City Council.

Should you have any questions or require additional information, please feel free to contact me.