

Town of Bristol

Zoning Board of Appeals

Minutes of January 12, 2016

Members Present: Marty Snyder, John Krebbeks, Steve Smiley, Donna Beretta, Jen Sanford

Others Present: Pete Wojtas, Wes Webber (Crown Castle Project Manager), Shaun Logue (Town Engineers representative from MRB Group), J. R. Lynch, Diane Butler, Cathy Pestle, Amy Force, Keith and Mary Ann Maynard, the Sweeneys, Craig & Nancy Shenk

Recognition of Chairman for 2016

The new Chairman of the ZBA Board is Marty Snyder and Steve Smiley appointment to the Board was extended for another term. This was approved by the Town Board at their 2016 Organizational Meeting held on January 11, 2016.

Minutes: The minutes of December 8, 2015 were reviewed and approved with a motion by Steve Smiley and a second by Donna Beretta. Board polled as follows: Marty aye, Steve aye, John aye, Donna aye, and Jen abstained.

Crown Castle/Verizon Tower Buckelew Road application:

Chairman Snyder advised all that this is a continuation of the public hearing opened at last month's meeting.

Wes Webber, Project Manager for Crown Castle said he will be representing the application this evening due to Attorney Andrew Leja is unable to attend the meeting. Webber told the Board that he had received an email from the ZBA Secretary and apologized for the delay in providing the information requested in that email but Mr. Leja had addressed the email this evening just prior to the Board meeting with the responses to the concerns raised from the ZBA Secretary. The Secretary made copies of all of the documents sent by Mr. Leja and shared them with the Board.

The documents were as follows:

1. New load data with regard to a 165' tapered steel pole dated October 12, 2015 from Rohn Products, LLC to update the previous study reflecting a tower at 160' in height dated July 9, 2015.
2. FAA Aeronautical Evaluation updated on 12/22/2015 to reflect the tower height at 165' from the previous study of February 25, 2015.
3. FAA-1 Survey Certification dated 12/21/15 by Climax Development of WNY, LLC with regard to latitude N42°-48-49.51" NAD83, longitude W77°-28-01.92" NAD83 that states

this is accurate to within +/- 15 feet horizontally and the ground elevation of 1342 feet AMSL NAVD88 is accurate to within +/- 3 feet vertically.

4. Site Survey C-1 and C-2 drawn on 1/12/16.
5. Survey Sheet Z2 dated 1/12/16 Revision 5
6. Structural Analysis Report from Paul J. Ford Co. in response to MRB questions of 12/7/15.
7. Not included in the email but addressed by Webber this evening the Part 1 SEQRA originally signed on August 20, 2015 resigned and updated to today's date of 1/12/16.

Webber stated that after the first Tower application was withdrawn in June he made an attempt to find another suitable location for the tower and proposed 3 additional sites to Verizon only to be told that the only suitable location for their equipment would be at this site at 7912 Route 20A.

The Chairman asked if there were any new comments from the residents present this evening. Craig Shenk introduced himself as a new resident to Buckelew Road and asked for a clearer representation of where the proposed Tower will be placed. Jen Sanford shared mapping information with him, including the photo simulations showing the "balloon" test conducted over Memorial Day Weekend.

Keith Maynard presented comments that are attached to the end of this document included in his comments he mentioned that he had been advised that the FCC would not be regulating the tower and its equipment. Webber advised him this information is incorrect the FCC does regulate the tower with very strict guidelines.

Concerns raised by those present include:

- Distance of the access road to property line; can be no closer than 10' at any given point
- Why is the access road on Buckelew and not 20A; preference of the property owner
- Will there be interference from the apparatus on the tower with adjoining neighbors cell phones, microwaves, etc.; no this is regulated through FCC
- How often will the diesel generator run; it will cycle once a month for approximately 12 minutes and it will be set up so this occurs during daytime hours
- who will maintain the generator; Crown Castle has a maintenance operations crew that will be in charge of the generator
- There are new residents on Buckelew Road and the question was raised if a new "balloon test" should be required; The Board agreed this is not necessary and asked Webber to provide the enlarged photos from the last "Balloon Test" at the next ZBA meeting.

The Chairman said the public hearing will be kept open for next month's meeting and its date will be determined to accommodate hearing the recommendations from the Ontario County Planning Board. The next step is to make a motion to send the application to OCPB for its February meeting.

A motion was made by Donna Beretta with a second by Jen Sanford to forward the Crown Castle/Verizon Tower application to the OCPB for their review and comments. All Board members agreed.

The OCPB meeting will be held on February 10, 2016 and comments returned to the ZBA within 1 week. The ZBA agreed to change the regularly scheduled meeting date of Feb. 9th to the 16th to minimize any delay once we receive the OCPB recommendations and it is possible that the Planning Board will agree to a special meeting that evening so they can provide their input to the ZBA as lead agency on this application.

Webber asked if SEQRA could be reviewed this evening. The Chair reminded him that he had mentioned in the December meeting that he wanted all the updated paperwork before the ZBA proceeds with any actions and submitting the paperwork an hour before the meeting isn't a sufficient amount of time for the members to review the materials. Shaun Logue (MRB Group) as representative of the Town's Engineers said the SEQRA need not be reviewed at this meeting and if the next meeting turns out to be a joint meeting for the ZBA & PB then all phases of the application can be addressed at that time. Webber then asked if there were any further concerns by the ZBA or MRB could they please advise him in a timely fashion so they in turn can address and advise the ZBA in return. The Chairman said the Board and MRB will review the information submitted tonight and get back to Webber as quickly as possible.

A motion to adjourn was made by Steve Smiley with a second by Jen Sanford.

Respectfully submitted,

Sandra Riker

Secretary to Town of Bristol
ZBA Board

The minutes of January 12, 2016 were accepted as written with a motion by Jennifer Sanford and a second by John Krebbeks. All Board members agreed. This was done at the March 8, 2016 meeting as there were no minutes from February due to the meeting being cancelled because of the weather.

KEITH AND MARIANNE MAYNARD JANUARY 4, 2016
4394 BUCKELEW ROAD
BLOOMFIELD, NY 14469

TOWN OF BRISTOL
6740 COUNTY ROAD 32
CANANDAIGUA, NY 14424

DEAR TOWN OF BRISTOL,

THE TOWN ZBA HAS EXPRESSED SOME DOUBTS
REGARDING THEIR LEGAL AUTHORITY TO DENY THIS
REQUEST.

WE HAVE REVIEWED THE TELECOMMUNICATIONS ACT
OF 1996. ACCORDING TO SECTION 704, THE LOCAL
GOVERNMENT HAS THE AUTHORITY TO MAKE
DECISIONS REGARDING THE PLACEMENT,
CONSTRUCTION, AND MODIFICATION OF PERSONAL
WIRELESS SERVICE FACILITIES. A COPY OF THE
PERTINENT PAGES ARE ATTACHED.

THERE ARE APPARENTLY SOME LIMITATIONS ON YOUR ABILITY TO USE TOWER EMISSIONS AS THE REASON FOR DENIAL OF THIS REQUEST, BUT AS YOU CAN SEE FROM OUR PETITION (ATTACHED), THERE ARE MANY OTHER REASONS TO DENY THIS APPLICATION.

I HAVE ALSO BEEN IN CONTACT WITH CHRIS COLLIN'S OFFICE (CHRIS IS OUR REPRESENTATIVE TO THE UNITED STATES HOUSE OF REPRESENTATIVES), AND THE FCC. THEY HAVE BOTH ASSURED ME THAT THE DECISION TO DENY OR APPROVE THIS REQUEST FOR A VARIANCE IS UP TO THE TOWN ZONING BOARD.

THERE IS LOTS OF VACANT LAND IN THE TOWN OF BRISTOL AWAY FROM HOMES, AND WE ARE CERTAIN THAT ANOTHER MORE SUITABLE SITE FOR THIS TOWER COULD BE FOUND.

PLEASE REVIEW OUR DISCUSSION REGARDING THE
TOWN OF BRISTOL REGULATIONS (PREVIOUSLY
SUBMITTED TO THE TOWN), AND DENY THIS REQUEST
FOR A VARIANCE.

ADDITIONALLY, WE HAVE CIRCULATED A PETITION
REQUESTING THAT YOU DENY THIS REQUEST AND HAVE
ATTACHED A COPY FOR YOUR CONVENIENCE.

THANK YOU!


KEITH MAYNARD


MARIANNE MAYNARD

ATTACHMENTS

~~ATTACHMENT~~
TELECOMMUNICATIONS ACT OF 1996
(P. 117, 118)

entity (including the owner of such pole, duct, conduit, or right-of-way).

SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.

(a) NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY- Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

(7) PRESERVATION OF LOCAL ZONING AUTHORITY-

(A) GENERAL AUTHORITY- Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) LIMITATIONS-

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof-

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such

action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

(C) DEFINITIONS- For purposes of this paragraph--

(i) the term 'personal wireless services' means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

(ii) the term 'personal wireless service facilities' means facilities for the provision of personal wireless services; and

(iii) the term 'unlicensed wireless service' means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v)).'

(b) RADIO FREQUENCY EMISSIONS- Within 180 days after the enactment of this Act, the Commission shall complete action in ET Docket 93-62 to prescribe and make effective rules regarding the environmental effects of radio frequency emissions.

(c) AVAILABILITY OF PROPERTY- Within 180 days of the enactment of this Act, the President or his designee shall prescribe procedures by which Federal departments and agencies may make available on a fair, reasonable, and nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications services that are dependent, in whole or in part, upon the utilization of Federal spectrum rights for the transmission or reception of such services. These procedures may establish a presumption that requests for the use of property, rights-of-way, and easements by duly authorized providers should be granted absent unavoidable direct conflict with the department or agency's mission, or the current or planned use of the property, rights-of-way, and easements in question. Reasonable fees may be charged to providers of such telecommunications services for use of property, rights-of-way, and easements. The Commission shall provide technical support to States to encourage them to make property, rights-of-way, and easements under their jurisdiction available for such purposes.

SEC. 705. MOBILE SERVICES DIRECT ACCESS TO LONG DISTANCE CARRIERS.

Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end

Petition to [action]

<p>Petition summary and background</p>	<p>CROWN CASTLE COMMUNICATIONS/TRANSCEND WIRELESS WISHES TO ERECT A 165' MONOPOLE COMMUNICATION TOWER ON LANDS BELONGING TO GREGORY AND KIM WARD AT 7912 ROUTE 20A IN THE TOWN OF BRISTOL. THE TAX MAP # FOR THIS PARCEL IS 123.00-1-56.111. AN AREA VARIANCE AND A SPECIAL USE PERMIT ARE REQUIRED FOR THIS APPLICATION UNDER BRISTOL TOWN LAW 1-2007 REGARDING TOWERS, ANTENNAS, ETC.</p>
<p>Action petitioned for</p>	<p>WE, THE UNDERSIGNED, ARE CONCERNED CITIZENS WHO URGE OUR LEADERS TO ACT NOW TO DENY THIS APPLICATION FOR AN AREA VARIANCE AND SPECIAL USE PERMIT DUE TO THE FOLLOWING CONCERNS:</p> <ul style="list-style-type: none"> • HEALTH CONCERNS FOR HUMANS AND ANIMALS IN THE AREA • CONCERNS ABOUT COMMUNICATIONS INTERRUPTIONS • DISRUPTION OF OUR ENJOYMENT AND USE OF OUR PROPERTIES • NEGATIVE IMPACT ON THE VALUE AND MARKETABILITY OF OUR PROPERTIES • NEGATIVE IMPACT ON THE BUSINESS INCOME OF BUSINESSES IN THE AREA • CONCERNS ABOUT EFFECT TO WATER TABLE AND WELLS IN THE AREA

Printed Name	Signature	Address	Comment	Date
Marianne Maynard	<i>Marianne Maynard</i>	4394 Bucklew Rd Bloomfield, NY 14469		12/9/15
KATH MAXIMERA	<i>Kath Maximera</i>	4394 Bucklew Rd. Bloomfield, NY 14469		12/9/15
Keith Maynard II	<i>Keith Maynard II</i>	972 Rabbit Ear Pass Victor, NY 14564		12/11/15
Sueann Maynard	<i>Sueann Maynard</i>	972 Rabbit Ear Pass Victor, NY 14564		12/11/15
Glenn E. MEAD	<i>Glenn E. Mead</i>	#301 Bucklew Bloomfield, NY 14469		12/12/15

Printed Name	Signature	Address	Comment	Date
Ted SARA	Ted SARA	4271 Buckelew Rd Bloomfield NJ		12-10-15
CYNTHIA E. WRIGHT	Cynthia E. Wright	4271 Buckelew Rd		12-10-15
Clifford Mayo	Clifford Mayo	4275 Buckelew Rd Bloomfield NJ 07469	We want our Privacy! Water?	12-12-15
Rosa Casalin	Rosa Casalin	4279 Buckelew Rd Bloomfield, NJ 07469		12-12-15
Jim FESER	Jim Feser	4279 Buckelew Rd		12-12-15
Peter DiBono	Peter DiBono	7702 RT 20a		12/12/15
Nancy Keach	Nancy Keach	4281 B Buckelew Rd Bloomfield NJ		12 Dec 2015
Tim Keach	Timothy A. Keach	4281 Buckelew Rd Bloomfield NJ 07469		12-12-15
Matthew Boyd	Matthew Boyd	2455 County Rd 37 Bloomfield NJ		12-12-15
Dustin Howard	Dustin Howard	108 Crinson King Dr, Colga, NJ	The reason people live here is to escape those things	12-12-15
Jackie White	Jackie White	4372 Green Rd		12-15-15
John White	John White	4372 Green Rd		12-15-15
Diane K Butler	Diane K Butler	4363 Buckelew Rd.	Health concerns	12-15-15
Karen BURSE	Karen B	4363 Buckelew Rd		12-15-15
Tony Morrill	Tony Morrill	7853 State Route 20A		12/18/15
John F. Kneale	John F. Kneale	4199 Green Rd		12/19/15

Printed Name	Signature	Address	Comment	Date
SHARON L. KARLES	<i>Sharon L. Karles</i>	4199 Green Rd. Bloomfield	Bloomfield 14469	12/19/15
SWEENEY, Deborah	<i>Deborah Sweeney</i>	4318 Buckelew Rd	Bloomfield	12/20/15
SWEENEY, MICHEL McAndrew	<i>Michelle McAndrew</i>	4318 Buckelew Rd	Bloomfield, NY	12/20/15
Mark Williams	<i>Mark Williams</i>	4412 Buckelew Rd	Bloomfield NY	12/21/15
Marty Maynard	<i>Marty Maynard</i>	1007 Rabbit ear Pass	Victor, NY 14564	23 Dec 15
Tancy Maynard	<i>Tancy Maynard</i>	1007 Rabbit ear Pass	Victor, NY 14564	23 Dec 15
Personna Sanchez	<i>Personna Sanchez</i>	4363 Buckelew	Bloomfield NY 14469	1-7-16