

Town of Bristol
Zoning Board of Appeals
October 15, 2014

Minutes

Members Present: Marty Snyder, Jen Sanford, Steve Smiley, Donna Beretta, and Secretary Sandra Riker
Member Excused: Mary Costa

Others Present: Mike Bieniek, zoning director for LCC, Law representing Aviat Networks, Pete Wojtas

Meeting was opened at 7:00 pm with the Pledge of Allegiance. The Chairman officially welcomed Donna Beretta to the ZBA Board.

Special Use Permit: Aviat Networks to co-locate 2 microwave dishes on the existing communications tower owned by American Towers located at 4668 Ganyard Hill Road.

The Chairman asked for clarification from the CEO if a variance would be necessary prior to the Special Use Permit application being addressed. The CEO said a variance would not be necessary prior to the application for a Special Use Permit. The dishes in question are 124.5" in diameter making them just over 10' in size. They are within the parameters of the Local Law and are permitted with a Special Use Permit.

Mike Bieniek advised the Board the microwave dishes will be for data transmission and are part of a point to point network that will eventually go from the east to the west coast of the country. They are one of 6 installations within NYS. Their purpose is to provide a secure and faster network for banks and other lending institutions.

The dishes are to be placed at 135' and 235' on the tower that is 240' tall. He said they have done a structural review of the tower and find it can support the dishes with no problem. There will also be an equipment cabinet at the base of the tower and it will be 3' x 3' in size and fits within the foot print of the parcel.

The Board reviewed Section I of Article Eighteen-Special Use Permits and reviewed findings for items B 1 -3 a-i. A question was raised regarding MER emissions and Mike informed the Board there is very little emission radiated by the dishes and would certainly not affect someone standing as close as the base of the tower. Any radiation would dissipate when reaching ground level. There will not be a problem with noise in that there is no generator involved with this application.

The public hearing portion of this meeting was opened and the Chairman asked if a notice had been posted in the local paper and if the neighbors within 500' had been notified. The Secretary said the hearing notice was on the Town Website and had been posted in the Messenger Post Now paper on October 8th. There had been no response from the neighbors. The Chairman asked if anyone present had any comments to add and Mr. Wojtas being the only audience present replied no. The public hearing will be held open until the next meeting of the ZBA to allow for any additional public comment.

The Board agreed the findings of Article Eighteen are in order through A-B 3 a-i. The Planning Board will address j. when they do the Site Plan at their meeting on November 3rd, 2014. The ZBA will not make a final decision on the Special Use Permit until the Planning Board has completed the Site Plan Review.

SEQRA- It has been determined that this is a type I action and will require a coordinated review. Steve Smiley made the motion to have the ZBA be the Lead Agency with regard to this action. A second was made by Jennifer Sanford and the Board polled as followed: Smiley aye, Snyder aye, Sanford aye, and Beretta aye.

Two other agencies are involved: Ontario County Planning Department and they provided an Administrative Review on October 8th. Their findings are attached at the end of the minutes. ***Their final recommendation is the CPB will make no formal recommendation on applications proposing only co-location of telecommunication equipment and accessory structures on existing towers and sites (Class 1).***

The ZBA will await the input from the Bristol Planning Board before making a final conclusion on SEQRA. They have gone ahead and addressed Part II of the SEQRA application in preparation for the final decision to be made.

Minutes from July 15, 2014: The minutes were reviewed and a motion was made by Jen Sanford with a second by Steve Smiley to accept the minutes as written. Board polled as follows: Snyder aye, Sanford aye, Smiley aye and Beretta abstained.

Other Business: Training opportunities were discussed for the rest of the year. Steve mentioned a training session offered by Monroe County later this month. November will be the GFLRPC fall meeting in Batavia and there is another opportunity in December being offered by Livingston County.

A motion was made to adjourn the meeting by Beretta with a second by Smiley.

Respectfully submitted,

Sandra Riker
ZBA Secretary
Town of Bristol

The minutes of October 15, 2014 were accepted on November 11, 2014 with a motion by Jennifer Sanford and a second by Donna Beretta.

Attachments:

Ontario County Planning Board

Jaylene Folkins, Chair
Mary Neale, Vice Chair

ADMINISTRATIVE REVIEW REFERRAL			
The application described herein has been reviewed using an administrative review process established by the Ontario County Board of Supervisors (Resolution 540-2006). The subsequent official recommendation is derived from policies established by the Ontario County Planning Board. Recommendations for referrals not subject to administrative review can be found in the draft minutes from the respective CPB full board meeting.			
Referral No: 123 - 2014	Referring Municipality & Agency: Town of Bristol - Zoning Board of Appeals	Date Received: 09/25/2014	CPB Meeting Date: 10/08/2014
Type of Application: Special Use Permit / Site Plan		Administrative Review: Class: AR-1	
2. Applicant: Town of Bristol			
3. Property Owner (if different from the applicant): Aviat Networks			
4. Tax Map #: 137.00-1-7.000	Project Description: Special Use Permit and Site Plan approval to co-locate 2 microwave dishes and an equipment cabinet at an existing wireless communication tower. Project is located at 4930 Ganyard Hill Road in the Town of Bristol. 466892		
Referral Recommendation: N/A			

Policy AR-8: Co-location of telecommunication equipment and accessory structures on existing towers and sites

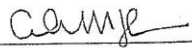
Co-location of telecommunication equipment and accessory structures on existing towers and sites have been determined by this Board to be a category of referrals with no potential countywide or inter-municipal impact. Applications for new towers or increasing the height of an existing tower will require full Board review

Final classification shall be Class 1

Findings:

1. The application proposes co-location of telecommunication equipment and accessory structures on and existing tower and sites.
2. It does not include a proposal for a new tower or increasing the height of an existing tower
3. The above described application present little potential for countywide or intermunicipal impact.

Final Recommendation - The CPB will make no formal recommendation on applications proposing only co-location of telecommunication equipment and accessory structures on existing towers and sites (Class 1).

 FOR —
Thomas Harvey, Director
Ontario County Planning Department

26. SEPT. 14
Date