

Town of Bristol
Zoning Board of Appeals
Minutes of December 8, 2015

Members Present: Marty Snyder, Donna Beretta, John Krebbeks, Steve Smiley, and Secretary Sandra Riker

Excused: Jennifer Sanford

Others Present: Maryanne & Keith Maynard, JR Lynch, Andrew Leja, Amy Force, Jack Bennett, Jr., Scott & Cathy Pestle, and Pete Wojtas

Minutes of November 10, 2015 were approved as written with a motion by Steve Smiley and a second by John Krebbeks. All Board members approved.

Crown Castle/Verizon Tower

Marty Snyder will be acting Chair for this evening's meeting in the absence of Jennifer Sanford. The Acting Chair advised the audience that the purpose of this meeting is to open the public hearing for the Area Variance and Special Use Permit necessary to this application.

Mr. Leja, Attorney representing Crown Castle advised all that the applicant is looking to request approval to place 165' tower at 7912 Route 20A to accommodate Verizon Wireless antennas to be placed at 160'. The tower height has been increased by 5' to accommodate an arced double mounting bracket for the antennas. The increase in height by 5' is the only change to the application; all other components including the equipment cabinet, backup generator and fencing to the area will remain the same. It was brought to my attention at last night's planning board meeting there are also some inconsistencies with the GPS coordinates of the actual tower placement and that Board has asked for an errata sheet showing all changes and corrections to the application update provided as of December 7th. At that time MRB (town engineers) have also provided a list of items to be addressed before the meetings in January including an updated survey map reflecting the correct placement site of the tower. It is the applicant's intent to provide all of this information by December 21st in order to make the January planning board meeting date of January 4th, 2016. The applicant was hoping the ZBA would at the least address the SEQRA and Special Use Permit for this application this evening in an effort to keep things moving forward.

Acting Chair said he was not comfortable with having incomplete data to work with and did not feel it appropriate to entertain any kind of conditional approvals until all correct data is presented with enough time for both Boards to review. Steve Smiley, Donna Berreta, and John Krebbeks were all in agreement with Snyder, the Acting Chair.

Prior to opening the public hearing a motion was made by Donna Berreta with a second by Steve Smiley to Declare the ZBA as Lead Agency with a coordinated review by the Planning Board. All Board members present agreed.

Public Hearing was opened:

Mary Ann Maynard was the first to speak:

- She did not receive a sketch plan with notification of the public hearing as per the requirements under Local Law 1-2007 regarding towers, etc.
- Feels the rules of this law are being ignored
- Concerned the footers for the tower will effect water in their well
- Attached at the end of these minutes is a statement she read to the group, the same that she presented at the first time this Tower application was presented

Debbie Sweeney of Liberty Stables:

- Concern for the cell tower emissions and how it will affect her geriatric horses that she uses in her business for providing riding accommodations
- Shares the concern for her water source

Jack Bennett of Buckelew Road:

- recently purchased another property which borders the south boundary line of this application and his concerned if it is correctly marked, plans on having his parcels resurveyed to make sure there are no discrepancies
- Concerned for the health of his neighbor Keith Maynard and how emissions from the cell tower will affect the magnetic chip in Mr. Maynard's head
- Concern for the esthetic values of his property as well
- Disliked the fact the surveyors for the Tower parcel were on his land without asking permission

Mike Sweeney of Liberty Stables:

- Concerned that the income from their riding business will be reduced due to the placement of the tower
- Esthetic values will also be reduced due to the tower location

Diane Butler of Buckelew Road:

- Why this location was picked?
 - Leja replied to her the following
 - It provides a location where there is a visual connection with the next cell tower in line of sight
 - It is necessary for more towers due to topography, capacity issues, distance, and the propagation selection
 - All the above issues are discussed in depth in the application that is available in the Code Office for review

The Acting Chair advised the public that due to the Tele Communications Act of 1996 the local governments are limited to what they can address and cannot, suggested that the public review that information and stated it is available on the internet for anyone to review.

Amy Force of Buckelew Road:

- Does the lease receive compensation for the tower being placed on his property?
 - Leja replied yes.
 - To the Board she asked Why is this the tower not being placed on the highest point of the property and requests the Board to address this point?
 - This is also detailed in the application that is available for review in the Code Office.

Cathy Pestle:

- This location is causing concern for its neighbors so why not look for another spot in the Town of Bristol?

Acting Chair Snyder said if there were no further comments this evening the public hearing will be left open to provide the applicant and the Board a chance to address some of the above comments and will continue at next month's meeting.

Other Business:

Question from CEO regarding town's regulation regarding stream bed; Does this refer to the bottom of the stream or the banks? The zoning book states that ***no structure can be built within 25' of a stream that runs 6 months or more.*** We have a resident that wishes to build an addition onto his home and the stream bottom is about 60' feet down and 40' from the top of the bank.

Pete Wojtas provided more information for the Board and the comment was made that if this stream were to go over its banks the whole rest of the Town would be under water as well. The Board did not come to any formal conclusion on this particular case but asked for the Secretary to do some research as to what definition and guidelines the DEC would provide as well as regulations from other towns in the County for future zoning changes regarding this topic.

Chair for 2016: Marty Snyder was gracious enough to say that he would be willing to Chair for the coming year.

A motion was made by Steve Smiley with a second by John Krebbeks to adjourn the meeting.

Respectfully submitted,

Sandra Riker

Secretary to the Town of Bristol

Zoning Board of Appeals

Minutes of December 8, 2015 were accepted with a motion by Steve Smiley and a second by Donna Beretta. All Board members agreed.

Comments from Mary Ann Maynard:

KEITH AND MARIANNE MAYNARD DECEMBER 8, 2015
4394 BUCKELEW ROAD
BLOOMFIELD, NY 14469

TOWN OF BRISTOL
6740 COUNTY ROAD 32
CANANDAIGUA, NY 14424

DEAR TOWN OF BRISTOL,

WE WOULD LIKE TO THANK YOU FOR THIS
OPPORTUNITY TO VOICE OUR CONCERNS ABOUT THE
PROPOSED 165 FOOT TALL CELL TOWER. WE WOULD
LIKE TO REITERATE WHAT WE EXPRESSED IN OUR
LETTER TO THE TOWN DATED APRIL 22, 2015, AND
WHAT WE EXPRESSED AT THE MAY 12, 2015 ZONING
BOARD OF APPEALS MEETING REGARDING THE
ORIGINAL APPLICATION.

WE APPRECIATE WHAT THE TOWN OF BRISTOL HAS
DONE OVER THE YEARS TO PRESERVE THE RURAL
CHARACTER OF OUR AREA, PROTECT OUR PROPERTY

VALUES AND OUR QUALITY OF LIFE. MOST OF US LIVE
HERE BECAUSE WE LOVE

THE OUTDOORS AND FOR MOST PEOPLE, OUR HOMES
ARE OUR LARGEST INVESTMENT.

IN THE TOWN'S SITE PLAN APPROVAL PROCESS,
SECTION VII, FACTORS FOR CONSIDERATION, THE
PLANNING BOARD REVIEW SHOULD INCLUDE:

- ITEM D, LOCATION, ARRANGEMENT, SIZE, DESIGN
AND GENERAL SITE COMPATIBILITY;

THIS IS A RESIDENTIAL NEIGHBORHOOD. THE
PROPOSED 165 FOOT HIGH TOWER WOULD BE LESS
THAN 500 FEET FROM OUR HOME, WE THINK. THE
PROPOSED TOWER WOULD BE 206 FEET FROM OUR

PROPERTY LINE. FENCING, A DIESEL GENERATOR AND
ITS INHERANT NOISE, POSSIBLE

BUILDINGS, ETC. WOULD BE EVEN CLOSER. WE DO

NOT HAVE THE SCALE SKETCH OF THE LOCATION OF
THE FACILITY ON THE PROPERTY WHICH IS REQUIRED
AS PART OF THE APPLICATION PROCESS, SO IT IS
DIFFICULT TO DETERMINE EXACTLY HOW FAR FROM
OUR HOUSE THIS PROPOSED TOWER WOULD BE.

ACCORDING TO OUR RESEARCH, IT IS RECOMMENDED THAT THESE TOWERS SHOULD BE AT LEAST ¼ TO 1/3 OF A MILE FROM OCCUPIED RESIDENCES. YOU SHOULD HAVE A COPY OF OUR RESEARCH, WHICH WE PROVIDED TO THE TOWN BACK IN APRIL.

- ITEM I-PROTECTION OF ADJACENT PROPERTIES

AGAINST NOISE, GLARE, UNSIGHTLINESS.

ON SATURDAY MAY 23 A SMALL BALLON WAS FLOATED

AT THE ORIGINAL PROPOSED SITE. THIS BALLOON WAS CLEARLY

VISABLE FROM OUR LIVING ROOM WINDOWS, SEVERAL

OTHER LOCATIONS ON OUR PROPERTY, AND OUR

FRONT PORCH. SINCE AN ADDITIONAL BALLOON HAS NOT BEEN FLOATED AT THE NEW PROPOSED SITE IT IS AN APPROXIMATION BUT WE ASSUME THAT THIS TOWER WILL BE EVEN MORE VISIBLE FROM OUR LIVING ROOM WINDOWS. THERE IS A VERY LARGE DIFFERENCE BETWEEN A SMALL BALLOON AND A MASSIVE 165 FOOT TOWER.

THIS “UNSIGHTLY” TOWER WOULD BE RIGHT NEXT TO

TO OUR DRIVEWAY, AND
WOULD BE CLEARLY VISIBLE
FROM BUCKELEW ROAD ALL THE WAY UP OUR
DRIVEWAY. THIS WOULD BE THE FIRST THING A PERSON
WOULD SEE WHEN COMING UP OUR DRIVEWAY TO OUR
HOME. WE CAN ONLY IMAGINE WHAT IT WOULD BE
LIKE DURING THE 6 MONTHS OF THE YEAR WHEN THE
TREES HAVE NO LEAVES.

IT WOULD CLEARLY HAVE A LARGE IMPACT ON OUR
SCENIC VIEWSHED, AS DEFINED IN THE TOWN OF
BRISTOL'S LOCAL LAW # 1-2007. THE TREES SCATTERED
IN THE AREA AMOUNG THE BRUSH ARE 70-80 FEET TALL,
BUT THE PROPOSED TOWER WOULD BE MORE THAN
TWICE THAT HEIGHT.

- ITEM K - OVERALL IMPACT ON THE NEIGHBORHOOD.

WHEN CONSIDERING THE OVERALL IMPACT ON THE
NEIGHBORHOOD, THERE ARE A NUMBER OF ISSUES
THAT SHOULD BE TAKEN INTO ACCOUNT. WOULD ANY
OF YOU WANT A 165 FOOT HIGH CELL TOWER RIGHT

NEXT TO YOUR HOME? ACCORDING TO A JUNE, 2014 SURVEY BY THE NATIONAL INSTITUTE FOR SCIENCE, LAW AND PUBLIC POLICY, 94% OF HOME BUYERS AND RENTERS WOULD PAY LESS FOR A PROPERTY LOCATED NEAR A CELL TOWER AND, MORE IMPORTANTLY, 79% SAID THAT UNDER NO CIRCUMSTANCES WOULD THEY EVER PURCHASE OR RENT A PROPERTY WITHIN A FEW BLOCKS OF A CELL TOWER.

WE HAVE SPOKEN TO TWO LOCAL REAL ESTATE PROFESSIONALS (DICK KRAFT, WHO IS A REAL ESTATE APPRAISER, AND CRAIG EMMERLING, A REAL ESTATE BROKER). BOTH INDICATED THAT THIS WOULD SUBSTANTIALLY REDUCE PROPERTY VALUES IN ALL THE PROPERTIES IN OUR NEIGHBORHOOD. THEIR GUESSTIMATES WERE THAT VALUES COULD BE REDUCED BY UP TO 50% OR MORE. WHILE IT WOULD BE DIFFICULT TO QUANTIFY, IT WOULD DEFY COMMON SENSE TO THINK IT WOULD NOT HAVE A NEGATIVE

IMPACT ON OUR PROPERTY VALUES.

ANOTHER CONCERN THAT WE HAVE IS THAT FOOTERS
PLACED DEEP ENOUGH TO SUPPORT THIS TOWER MIGHT
AFFECT OUR WATER SUPPLY. WE ALL HAVE WELLS.

WE ALL HAVE CONCERNS ABOUT THE EFFECT ON OUR
TELEVISION RECEPTION AND THE EFFECT THIS TOWER
WOULD HAVE ON INTERNET COMMUNICATIONS AND
WIFI WITHIN OUR HOMES. A DISRUPTION OF OUR
INTERNET AND WIFI WOULD GREATLY IMPACT OUR
LIVELYHOOD.

THEN, THERE ARE THE POSSIBLE HEALTH ISSUES,
WHICH
COULD CERTAINLY IMPACT OUR NEIGHBORHOOD.

WE ARE OUT ON OUR TRAILS ALMOST EVERY DAY,
HIKING OR CROSS-COUNTRY SKIING DEPENDING ON
THE SEASON. WE WOULD NOT FEEL COMFORTABLE
DOING THESE THINGS ANY LONGER DO TO THE
IMMEDIATE PROXIMITY OF THE PROPOSED TOWER.
WE WOULD NOT BE

COMFORTABLE HAVING OUR GRANDCHILDREN, WHO
VISIT US FREQUENTLY, PLAY IN THE SHADOW OF THIS

TOWER.

THIS TECHNOLOGY IS NEW AND EVOLVING. AT THE MAY 12 ZONING BOARD MEETING, EVEN WES WEBBER, FROM CROWN CASTLE STATED THAT THE TECHNOLOGY CHANGES RAPIDLY. NONE OF US CAN ACCURATELY PREDICT THE CONSEQUENCES OF 10, 20, OR 30 YEARS OF EXPOSURE TO THE EMISSIONS FROM THESE TOWERS. NONE OF US WANT TO BE GUINEA PIGS. THE FCC WEBSITE SAYS THAT IT IS GENERALLY AGREED THAT FURTHER RESEARCH IS NEEDED.

ON A PERSONAL NOTE, KEITH HAS A CONDITION KNOWN AS NORMAL PRESSURE HYDROCEPHALUS AND HAS A VALVE IN HIS HEAD WHICH CONTROLS THE BUILD-UP OF FLUID AROUND HIS BRAIN. PRIOR TO THE INSTALLATION OF THIS VALVE 2 YEARS AGO, HE HAD TO USE A WALKER AND WHEELCHAIR TO GET AROUND. NOW HE CAN HIKE, HUNT, AND ENJOY OUR PROPERTY.

THE VALVE IS MAGNETICALLY CONTROLLED. HE
CANNOT GO THROUGH MOST SCREENING DEVICES
AT AIRPORTS OR HAVE MRI'S WITHOUT IMMEDIATE
READJUSTMENTS. HIS NEUROSURGEON
ISN'T CERTAIN OF

THE LONG TERM EFFECTS WITH THE TOWER IN SUCH
CLOSE PROXIMITY TO US.

THERE IS ALSO A VERY STRONG HISTORY OF BREAST
CANCER IN MY FAMILY AND SOME STUDIES INDICATE
THAT THIS IS A SERIOUS CONCERN WITHIN A QUARTER
OF A MILE OF ONE OF THESE TOWERS.

THE HEALTH CONSEQUENCES OF THE EMISSIONS FROM
THIS TOWER WOULD HAVE AN IMMENSE IMPACT ON
OUR LIFESTYLE AND QUALITY OF LIFE. ALL THINGS
THAT ARE SUPPOSED TO BE TAKEN INTO
CONSIDERATION WHEN REVIEWING THIS TOWER
APPLICATION.

WE HAVE OWNED OUR PROPERTY FOR 28
YEARS AND HAVE LIVED HERE FOR THE PAST TEN
YEARS. THIS IS OUR RETIREMENT HOME. PLEASE DO

NOT APPROVE THIS APPLICATION, AS IT WOULD
ADVERSELY IMPACT OUR USE, ENJOYMENT AND VALUE
OF OUR PROPERTY, FACTORS THAT MUST BE
CONSIDERED UNDER THE SPECIAL USE PERMIT
STANDARDS ITEM 5.

DON'T ALLOW THIS

TOWER TO BE BUILT HERE. THIS 165 FOOT TOWER IS
CERTAINLY NOT COMPATIBLE WITH THE GENERAL
CHARACTER OF THE AREA AND CERTAINLY WOULD BE
VISIBLE FROM SURROUNDING PROPERTIES, TWO ISSUES
THAT NEED TO BE TAKEN INTO ACCOUNT ACCORDING
TO ARTICLE 18-SPECIAL USE PERMITS SECTION I, ITEMS
INCLUDED IN B-3.

PLEASE FIND ANOTHER MORE SUITABLE LOCATION FOR
THE TOWER.
THIS IS NOT A IS NOT A SUITABLE LOCATION!

THANK YOU!

A handwritten signature in black ink, appearing to read 'Keith Maynard', with a long horizontal flourish extending to the right.

KEITH MAYNARD

A handwritten signature in black ink, appearing to read 'Marianne Maynard', written in a cursive style.

MARIANNE MAYNARD