

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

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

Others Present: Patti Giordano, Marianne Maynard, Amy Force, and Andrew Leja for Barclay Damon, LLP, and John Lynch representing Transcend Wireless/Communications

Minutes of August 11th were accepted with the addition of the citing of NYS Highway Law 205 as the reference for the Town definition of a "Qualified Abandoned Road". A motion was made by Steve Smiley to accept the minutes as corrected with a second by Marty Snyder. All Board members agreed.

Crown Castle/Verizon applicant for tower on Ward property at 7912 Route 20A in the Town:

Andrew Leja of Barclay Damon, LLP addressed the Board and visitors with an overview of the complete application that their clients are presenting to the Town for construction of 160' monopole tower to be used by Verizon Wireless to increase and enhance their coverage area in the southwestern portion of the Town of Bristol and surrounding area.

The applicant has chosen the Ward property at 7912 Route 20A to be the optimum site for this tower. This is based on the following criteria:

- Location within the search area
- Proximity to the center of the target Coverage Area
- Ability to meet Verizon Wireless' coverage objective, as well as its rural setting and location within a stand of mature trees
- The willingness by the Owner of the property to sell or lease his property

The Ward parcel is located in the L-I district of the Town with a portion in the A-C district of the Town. Crown Castle/Verizon has presented the following applications for the ZBA and Planning Board to review:

- Special Use Permit-if parcel is located in the A-C portion this would be necessary under Local Law 1-2007 with regard to antennas and towers
- Use Variance- from Local Law 1-2007 to allow the construction and operation of telecommunication facility in the Light Industrial portion of the parcel
- Area Variance-from Local Law 1-2007 to permit the tower to be constructed to a height of 160' to accommodate the placement of Verizon's antenna at a centerline height of 160'
- Site Plan-required whether a Use Variance is issued or a Special Use Permit.

The ZBA must determine:

- If a cell tower should be considered as a public utility. In 1993 the New York Court of Appeals in Cellular Tower vs Rosenberg determined that “cellular telephone service is a public utility” and that cellular phone towers are “public utility facilities”.
- There is still a question in the Board’s mind if the application is for the L-I or A-C portion of the Ward parcel. They have asked the Secretary to have County Mapping prepare a map based on GIS information showing the entire Ward parcel, the zoning districts as defined on our current zoning map, and to pinpoint the longitude and latitude coordinates of the Tower as provided in the Project Information provided by Infinigy dated 8/20/15. They will make a determination for Special Use Permit vs Use Variance based on this data.
- The Board must determine who will be declared Lead Agency for SEQRA review: based on the fact that there will either be a Use Variance and or a Special Use Permit required plus an Area Variance: ***A motion was made by Jen Sanford and seconded by Marty Snyder to declare the ZBA of the Town of Bristol the Lead Agency on the Crown Castle/Verizon Wireless/Buckelew/Ward application.***
- Is the application complete: ***A motion was made by Steve Smiley and seconded by Jen Sanford that the applications presented by Crown Castle/Verizon Wireless are complete. All Board members agreed.*** Upon The Planning and ZBA Board may require some additional information as requested by the Town Engineers, MRB Group and Mr. Leja said the applicant will review the requests and answer their concerns.

The Board agreed they will continue with this application at their next meeting in October.

Motion was made by Jen Sanford to adjourn the meeting.

Respectfully submitted,

Sandra Riker
Town of Bristol
Zoning Board of Appeals
Secretary