

Town of Bristol
Zoning Board of Appeals
Minutes of November 10, 2015

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

Others Present: Maryanne & Keith Maynard, JR Lynch, Andrew Leja, Amy Force, Norman & Marilyn Davenport, Tom Lowe

Minutes of October 13, 2015 were approved as written with a motion by Steve Smiley and a second by John Krebbeks. All Board members approved.

Davenport Area Variance:

The Davenports are requesting a lot line adjustment to their parcel # 137.00-2-36.100 to provide additional acreage to their son-in-law's parcel #137.00-2-36.200. The barn that is currently on the Davenport parcel will now be on the Lowe parcel and this requires an area variance because the barn is closer than the 25' allowed for an accessory structure to a side lot line in the A-C district. The Davenports currently have an overhang of 12'5" on the side of the barn that the Planning Board has asked them to remove to assist in providing an adequate distance from the side of the barn to the lot line. They are unable to provide the additional 12.7' needed due to the location of the septic system on the Davenport property.

The public hearing was opened and there were no comments from the people present at this meeting so the public hearing was closed.

After review of the map presented by the Davenports the Board had no further questions and a motion was made by Jen Sanford with a second by Steve Smiley to accept the Area Variance request for the existing barn to be 12' 3" from the side lot line on parcel #137.00-2-36.200.

The Board then reviewed the Short Form EAF statement with the following concern:

Question 9 of Part 1 reads: does the proposed action meet or exceed the State Energy Code Requirements-the Board asked for clarification of this question as to determine the proper answer. Upon research the Secretary found in the Short EAF Assessment Form Workbook the following information:

In NYS, the following must comply with the Energy Conservation Construction Code (Energy Code)

- All new residential and commercial buildings
- All additions to residential and commercial buildings and mechanical subsystems
 - Subsystems are things like a furnace or boiler, as part of HVAC, electrical systems such as lighting, or water systems
- All substantial alterations to a building or building subsystem

- A substantial alteration is where 50% or more of a building or building subsystem is replaced

Any proposed action or project that falls outside of these three bullets is not required to comply with the Energy Code. Therefore, the correct answer for this application would be no. The Board chose to mark it N/A. A Negative Declaration was declared with a motion by Jennifer Sanford and a second by Donna Berreta. All Board members agreed.

Whereas, the map drawn by Jeremy Years, L.S. dated July 15, 2015 shows the barn now located on the Lowe property at a distance of 12'3" from the side lot line of parcel #137.00-2-36.200 as a result of a lot line adjustment to parcel 137.00-2-36.100 belonging to Norman and Marilyn Davenport, and Whereas, the full 25' side setback cannot be accomplished due to the location of the septic system on parcel 137.00-2-36.100, and Whereas, a public hearing was held and there were no comments, and Whereas, the Short Form EAF was reviewed and a Negative Declaration was determined, Therefore, a motion was made by Jennifer Sanford and a second by Steve Smiley to accept the side yard setback for the barn located on parcel 137.00-2-36.200 to be 12'3" instead of the required distance of 25'. All Board members agreed.

Crown Castle/Verizon Tower

Andrew Leja, Attorney for Crown Castle advised the Board he had sent an email with the revisions being requested by Verizon to be made to the Tower application submitted by Crown Castle. It had not been received prior to this meeting.

He went on to explain to the Board that on Sheet Z4 of the plans it shows the minor modification of the tower to a new height of 165' to accommodate the double mount brackets for support of the antenna for Verizon Wireless at 160'. The Antenna will not exceed the tower height. He will be sending the revised final version of the application for the tower 2 weeks prior to the December meetings of both the Planning Board and ZBA.

The tower height cannot be reduced because 160' is the optimal height needed by Verizon because of the higher frequency that Verizon operates at goes a shorter distance than those that can be accommodated by lower frequency.

With regard to the emergency generator it will be either propane or diesel, Verizon has not made that decision as of yet but either will be of low noise volume. It will be maintained and tested every 1 to 2 weeks to verify it is operational. This will require running it for approximately 20 minutes at a time.

An updated survey will be presented showing the new fall distances for the Tower based on the additional 5' height adjustment.

The ZBA will take no action this evening but Mr. Leja was hoping that a public hearing could be scheduled for the December meeting of the ZBA with perhaps the PB joining them to handle the Site Plan review. He stressed that if any of the Board members or neighbors has questions they should contact him or the project manager for answers prior to the December meeting.

The Maynards raised a question regarding who is responsible to verify and check the boundaries. The Board said once the building application is applied for it will be up to the Code Office to make sure these are correct. They also suggested that the Maynards contact the Project Manager with any other questions regarding the boundary lines, etc. The address for both Andrew Leja, and the project manager were provided to them.

Other Business: The CEO has requested the Board look at the home occupation definition in Zoning and give him their opinion.

Home Occupation-is for gain by a resident of the home located on a parcel, it is secondary to the principal use of the parcel and as presently written if it is conducted in an accessory structure it must occupy no more than 750 square feet of that building.

A motion to adjourn was made by Donna Berreta with a second by Steve Smiley.

Respectfully submitted,

Sandra Riker

Secretary to the Town of Bristol
Zoning Board of Appeals

The minutes of November 10, 2015 were accepted with a motion made by Steve Smiley and a second by John Krebbeks. All members present agreed.