

TOWN OF ALLEGANY ZONING BOARD OF APPEALS
Monday, June 1, 2015

Present:

John Jones, Chairman
Joe Chamberlain
Carol Ozzella
Don Sue
Ron Kyser
Donna Stady, Secretary

Absent:

Also Present: Frank DeFiore, Planning Board Chairman

Salute to flag at 7:00 p.m.

PUBLIC HEARING opened at 7:01 p.m

- 1) Steve Lingard appears on behalf of Horvath Communications, requests an area variance for a proposed 195 foot tall lattice, self-supporting, tower for 4G cell phone coverage/internet use with the anchor tenant being Verizon Wireless. The 195 foot tall structure exceeds the 175 foot maximum set in the zoning ordinance at this time. Mr. Lingard explains the need for the height of the tower to support the area coverage they are looking for as well as their proposal that from 130 feet to base of tower there would be available room for at least four other carriers (i.e. cell phone competitor companies, EMS services, public safety entities to use the tower for service at a low to no rental cost per calendar year as long as the entity goes through the co-location process.

Mr. Lingard has previously passed out the companies' proposal in a 3-ring binder with labeled exhibits. This evening Mr. Lingard presents the Board with his Exhibit "N" consisting of the electromagnetic study on the tower which indicates the tower emits radiofrequency fields of less than 1% which is under the standard limit set by the FC

Topic of discussion, if there is a lightning rod placed on top of the tower is that considered part of the structure. Further it is discussed that Mr. Lingard has appeared in front of the County Planning Board and they had no issues regarding Mr. Lingard's proposed proposal.

Chairman Jones would like a copy of the County's letter regarding Horvath, placed with the ZBA file.

Board decides that no equipment (including lightening rod) will exceed 20 feet on top of the this proposed tower to comply with the expected approval of Mr. Lingard's request.

Chairman asks the public if they have any questions. Of note there is only three individuals in the audience.

Motion to close Public Hearing was made at 7:21 p.m. by Don Sue and seconded by Carol Ozzella . Ozzella-aye; Sue-aye; Chamberlain-aye; Kyser-aye; Jones-aye. Motion carried.

PUBLIC HEARING opened at 7:23 p.m.

- 2) Mike Chesebro, appearing on behalf of Ken Smith, requesting an area variance to replace an aged mobile home (14' x 70') on Mr. Smith's property located at 3732 Karl Road in the Town of Allegany, NY, with a new single wide manufactured home (14' x 76'). Said new manufactured home is under the gross square footage of living space as set in the current zoning ordinance section 5.07 (a)(1).

Board reviews application again with Mr. Chesebro.

Chairman Jones ask if the public has any questions or concerns.

(it should be noted there are only three people in attendance at meeting).

Motion to close Public Hearing was made at 7:33 p.m. by Carol Ozzella and seconded by Don Sue. Ozzella-aye; Sue-aye; Chamberlain-aye; Kyser-aye; Jones-aye. Motion carried.

Regular Meeting: Meeting was opened by Chairman John Jones at 7:34 p.m.

Carol Ozzella made a motion to accept the minutes of the May 4, 2015 meeting, with exception that the property address is added to (2) for the Chesebro/Smith area variance, seconded by Joe Chamberlain. Ozzella-aye; Sue-aye; Chamberlain-aye; Kyser-aye; Jones-aye. Motion carried.

Old Business: None

New Business:

- a) Horvath Towers request for height variance. Zoning area variance and finding of decision forms are passed out to board. Forms are completed. Record of Vote is recorded with Ozzella-aye; Sue-aye; Chamberlain-aye, Kyser-aye and Jones-aye. Variance granted to Horvath Towers with the stipulation that no equipment will exceed 200 feet.
- b) Chesebro/Smith request for area variance. Zoning area variance and finding of decision forms are passed out to board. Forms are completed. Record of Vote is recorded with Ozzella-aye; Sue-aye; Chamberlain-aye, Kyser-aye and Jones-aye. Variance granted to Ken Smith to replace his existing mobile home with a new manufactured home of 14ft x 76 ft.

Don Sue made motion to close meeting at 8: 28 p.m., seconded by Joseph Chamberlain.
Sue-aye; Chamberlain-aye; Ozzella-aye; Kyser-aye; Jones-aye.
Meeting adjourned 6/1/2015.

Sincerely,

Donna G. Stady
Secretary/Recorder to Zoning Board for Town of Allegany