

TOWN OF CHESTER ~ ZONING BOARD OF APPEALS

**P. O. BOX 423, CHESTERTOWN, NY, 12817
WARREN COUNTY**

MINUTES OF MEETING ~ JUNE 22, 2010

ATTENDANCE: Ken Marcheselli, John Grady, Bill Oliver, John MacMillen, Mary Jane Dower, Arnold Jensen, and Secretary, Pat Smith. Also in attendance was Zoning Administrator, Walt Tennyson.

MINUTES: On a motion by Mr. Grady, seconded by Mr. MacMillen, the Minutes of the October 27th, 2009 meeting were accepted, as presented.

CORRESPONDENCE: November 2009 letter to J. Maxam; Letter from APA re: Mary Ollman Rohde; ZBA Minutes, Oct. 27th, 2009; Zoning Office Activity Reports from Oct. '09 thru May, 2010; Planning Board Minutes from Oct. '09 thru May, 2010.

The meeting was called to order at 6:00 p.m. by Chairman Marcheselli.

#392-V ~ Robert McCrum proposing the addition of a two car garage at the rear of his lot for boat and car storage, that cannot meet the required rear setback. Engineer Bret Winchip was in attendance representing the applicant. Property is located at 48 Clarkson Road, tax parcel #86.19-1-54, in a Moderate Intensity Land Use Area. Applicant is looking to erect a 28' x 24' garage in the rear of his existing dwelling. In order to do so, he is unable to meet the required 50' setback to the rear of the parcel, as the lot is a substandard lot. The property is actually two adjoining lots, lots # 2 and 3, but to move the garage to the vacant side of the parcel would place it at a 20% grade, and locate it in the center of the driveway. Additionally, there are problems with keeping it 20' from the septic field, and 15' from the sideline, and placing it there would locate it on a significant slope, which would require quite a bit of earth work. Placing it behind the house would put it in a bit of a dip in the lay of the land. There is quite a bit of natural vegetative cover off to the side, with another shed being situated back there also. The open side of the garage will also face the vacant lot, and it will be hidden from the road and the neighbors. Applicant is seeking a 31' rear setback variance, as the closest point to the rear lot line will be at 19'. Public hearing will be scheduled for the July 27th meeting, and the adjoining property owners will be notified.

#391-V ~ Margaret Swinton, applicant, represented by Independent Towers Holdings, LLC, proposing the erection of a Telecommunications Facility to be located at 200 Old Schroon Road, Tax parcel #19.-1-31. Daniel M. Schweigard and Ken Curly, both with Independent Towers, were representing the project for Mrs. Swinton.

On behalf of AT&T Mobility (AT&T Wireless), Independent Towers Holdings are proposing the construction of a 90' (ninety) foot wireless communications facility to be located at the above referenced property. In accordance with the Town of Chester Zoning Local Law, the proposed facility constitutes a Major Public Utility project, which

will exceed the maximum allowed height in the Resource Management district of 39' (thirty nine feet), as described in Section 4.03; Schedule of Area, Bulk and Height Controls. The proposed telecommunications tower facility includes a 90' (ninety) monopole tower structure to be installed as part of the proposed project. The height restriction is approximately 51' (fifty-one) over the allowed height. The demonstration of the required height has been provided in part by AT&T Mobility, using radio frequency propagation maps to describe the existing level of wireless service in the vicinity of the proposed site and the proposed service to be provided. There has been a need determined for additional service not only along the I-87 corridor, but in the surrounding areas of the Towns of Chester and Schroon Lake, as well.

The proposed project is based upon the need for improved wireless service and the obligation of AT&T Mobility to improve service to underserved areas, as required under the conditions of its FCC License to operate the service. The maximum height of 39' presents practical difficulties with providing the needed coverage, by limiting the effective range of the proposed facility significantly. Wireless RF transmissions are broadcast at very low power levels compared to radio and TV. Therefore wireless signals will travel only so far and are impeded by topography and vegetation. Hills or buildings, and even foliage can block the signal, which is why wireless coverage is typically better in the winter when the leaves are off the trees, than in the summer. That is why the transmitting antennas must be placed above the trees and high enough so as not to be obstructed by nearby terrain, such as hills or buildings. Based on computer modeling, AT&T believes the Schroon site at 86' will adequately cover the gap in coverage between the Chestertown and Schroon Lake sites. It will also help reduce the effect of signal fading due to trees and terrain obstructions to provide sufficient in-car and in-building coverage along I-87 and surrounding residences. Putting the antenna height at 60' would put them near the existing tree height.

Independent towers has done preliminary balloon tests to share with the Park Agency and presented Photo simulations for preliminary approval. There is an access road that will be used from the Swinton drive, off Old Schroon Road, and an agreement has already been reached with the Power Company to go under the power lines. There will be a chain link fenced area around the site. The 90' monopole will be tapered at the top, and because APA requires screening, it will be painted Olive Green, with branches attached only above the tree line to blend it into the landscape. It will only be visible for a brief view from the north bound lane of I-87. Ultimately, AT&T is looking for a structure that can accommodate future users.

Extensive discussion ensued between applicant and the board regarding extended coverage to outlying residential areas not presently receiving service, as well as the wisdom of extending the height in the proposed tower so that more coverage could be obtained without adding multi-towers in multi-locations. It was suggested that a representative from the Park Agency be invited to the public hearing when it is held on the towers project, in order to obtain information from them and have a better understanding of their regulations regarding same. Providing all preliminary approvals have been given, it may be possible to hold the public hearing at the July meeting. Applicant will be in contact with the board Secretary to confirm.

BOARD PRIVILEGE: No discussion.

ADJOURNMENT: On a motion by Mr. Grady, seconded by Mrs. Dower, the meeting adjourned at 7:35 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary

NEXT MEETING SCHEDULED FOR JULY 27th, 2010 @ 6:00 P.M.!!!