

MINUTES OF JOINT SPECIAL MEETING ~ SEPTEMBER 22, 2010

ZONING BOARD OF APPEALS & PLANNING BOARD

ATTENDANCE:

PLANNING BOARD: Eugene Dutcher, Rick Bump, Ken Raisner, George Hilton, Paul Little, and Secretary, Pat Smith. Absent were Harold Ellsworth, Suzanne Robbins and Bob Thurling.

ZONING BOARD OF APPEALS: Ken Marcheselli, Bill Oliver, John MacMillen, Arnold Jensen, and Mary Jane Dower. Absent was John Grady.

Having been duly advertised, the joint public hearing was opened by Chairman Marcheselli at 6:00 p.m. Mr. Jared Lusk, Esq. of Nixon Peabody LLP, Attorneys for the applicant, was in attendance to discuss the project. The project was an application of Cellco Partnership d/b/a Verizon Wireless for Site Plan Approval from the Town Planning Board and an Area Variance from the Zoning Board of Appeals to construct and operate a Wireless Telecommunications Facility. The proposed site is located on a 135+/- tract of land on Glendale Road, belonging to Word of Life Fellowship, tax parcel #36.-1-20, a Moderate Intensity Land Use Area. The project site consists of a 112' x 50' lease parcel and associated access road. Proposed within the lease parcel is a wireless communications structure (an 80' tall monopole with antennas, the top of which will be at 76'), a fenced compound, and an 11'-6" x 30' telecommunications equipment building, and associated utilities.

Maximum height requirements for structures in the Zoning Local Law are 39', thus the need for an area variance. Applicant had presented the board with visual analysis and impact site assessment, following the balloon fly date of April 15th, 2010. APA prefers the towers be substantially invisible.

There was discussion over height extension of the tower initially, to reach a larger area within the town, and not just the Northway, thereby requiring less tower construction in the future. Mr. Lusk explained that the Hamlet of Pottersville, unfortunately, is located in a bowl, so to speak, and no matter how they measured comparative RF's, the radio waves would only reach outward, and not down into the bowl. There would, however, be some areas within the Hamlet that would benefit.

Audience participation was all positive, and there was a letter from Tom & Sue Davis of Schroon Lake that was read, also in favor of the project. Following discussion and questions of the boards, a motion was made by Mr. Jensen, seconded by Mr. Oliver, to close the public hearing at 6:50 p.m.

Applicant and application had demonstrated the need for cell coverage in the area to the satisfaction of both boards.

ZBA completed their summary of Area Variance Criteria, as follows:

1. That benefit could not be achieved by other means feasible to applicant. Several other sites had been considered and rejected because the height would not satisfy coverage objectives. The 80' tower was needed to deliver service.
2. There would be no undesirable change in the neighborhood character or to nearby properties.
3. The request for an 80' tower, requiring a 41' variance would be substantial, but, again, is needed for the delivery of service.
4. There will be no adverse physical or environmental effects.
5. The alleged difficulty is not self-created, and the need has been shown to be apparent.

Following review, Mr. MacMillen made a motion to approve Application #389-V for a 41' height variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct and operate an 80' Wireless Telecommunications Facility, as proposed. Motion was seconded by Mr. Jensen, and carried 5/0.

Mr. Bump, of the Planning Board, then made a motion to approve Application #SPR2009-05 for the construction and operation of an 80' wireless telecommunications facility within a 112' x 50' compound, having an 11'-6" x 30' equipment shed & related utilities with other site improvements, on property leased from Word of Life Fellowship, as proposed. Motion was seconded by Mr. Dutcher, and carried 5/0.

The Planning Board then left the meeting.

MINUTES: On a motion by Mrs. Dower, seconded by Mr. Arnold, the ZBA Minutes of August 24th were accepted, as presented. Motion carried 4/1. (Mr. Marcheselli had not been present at the August meeting, and therefore, could not vote).

ADJOURNMENT: On a motion by Mr. Arnold, seconded by Mr. Oliver, the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Patricia M. Smith
Secretary for both Boards