



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

*Minutes-(Revised)
Approved
by Board of Appeals
March 15, 2017*

ZONING BOARD OF APPEALS

MINUTES-ORGANIZATIONAL MEETING
(Continued from December 21, 2016)

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INFORMATIONAL HEARING-JOHN BOWER

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INFORMATIONAL HEARING-NIXON PEABODY-ROBERT BURGENDORF

WEDNESDAY, FEBRUARY 15, 2017

7:00 PM

Item No. 1 - Call to Order

Attendance

Board Members Present: James Gensel, Chairman
John Arikian
Deborah Eames
Justin Faulkner
Susan Silvers, Alternate Member

Others Present: Peter Rocchi, Town Code Enforcement Officer
Bonnie Balok, Secretary-Zoning Board of Appeals

Others Absent: Leslie Mauro, Town Attorney
Daniel Williams, Vice Chairman

Item No 2 - Organizational Meeting

Election of Chairman, Vice Chairman and Secretary

The organizational meeting was called to order by Mr. Gensel. The purpose of the organizational meeting was to elect a chairman, vice chairman, and secretary. (Note: Meeting Day and Meeting Time were voted on at the December 21, 2016 meeting and unanimously approved – Meeting Day-Third Wednesday of the month; Meeting Time-7:00 pm).

Mr. Arikian made a motion for the Secretary to cast one (1) ballot for the current slate of officers. Unanimously approved. One ballot was cast for the following officers: Chairman: James Gensel, Vice Chairman: Daniel Williams, and Secretary: Bonnie Balok all elected to serve for the year 2017.

Resolution No. 1

Appointment of James Gensel, Chairman of the Zoning Board of Appeals, Town of Southport for the year 2017, Appointment of Daniel Williams, Vice Chairman of the Zoning Board of Appeals, Town of Southport for the year 2017. and Appointment of Bonnie Balok, Secretary of the Zoning Board of Appeals, Town of Southport for the year 2017.

Resolution: Arikian, Cast one ballot for current slate of officers. Unanimously approved.

Whereas, the Zoning Board of Appeals held an organizational meeting to elect a chairman, vice chairman and secretary for the year 2017, and

Whereas, Mr. Arikian made a motion to cast one ballot for re-election of the current slate of officers; unanimously approved by Board members.

Resolved, James Gensel will serve as Chairman of the Zoning Board of Appeals, Town of Southport for the year 2017, Daniel Williams will serve as Vice Chairman of the Board of Appeals, and Bonnie Balok will serve as Secretary for the year 2017.

Ayes: Arikian, Eames, Faulkner, Silvers
Noes: None

Abstained: Gensel
Carried.
Absent: Williams

Minutes of February 15, 2017 – Organizational Meeting and
Informational Hearing - John Bower
Informational Hearing – Nixon Peabody-Robert Burgdorf

Resolution No. 2

Meeting Day for the Zoning Board of Appeals, Town of Southport shall be the third Wednesday of each month and Meeting Time shall be 7:00 pm.

Resolution by: Williams

Seconded by: Eames

Whereas the Zoning Board of Appeals voted on the above meeting day and meeting time at the December 21, 2016 meeting for the year 2017, and

Whereas, Mr. Williams made a motion to set the meeting day as the third Wednesday of each month. Ms. Eames seconded the motion.

Resolved, the third Wednesday of each month shall be the meeting day and 7:00 pm shall be the meeting time for the Zoning Board of Appeals for the year 2017.

Ayes: Gensel, Arikian, Eames, Faulkner, Williams

Noes: None

Carried.

Item No. 3 - Approval of Minutes of December 21, 2016.

Mr. Arikian made a motion to approve the minutes of December 21, 2016; seconded by Mr. Faulkner. The minutes of December 21, 2016 were unanimously approved.

Item No. 4 - New Business

Informational Hearing – John Bower

Attendance: Applicant -John Bower

Minutes of the Informational Hearing for John Bower, 172 Old Ithaca Road, Horseheads, New York, 14845, regarding 1801-Pennsylvania Avenue, Pine City, New York, Tax Map 127.00-1-24, zoned AR, held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on February 15, 2017 (*a continuation of October 19, 2016 and December 21, 2016 Informational Hearings-Tabled*) at 7:00 p.m. concerning an area variance to divide the parcel into two (2) lots which is less than the required one hundred fifty foot (150') lot width per Section 525-24-Bulk and Density Control Schedule.

Mr. Bower explained he met with an engineer from the NYS DOT and the engineer advised DOT had no future plans for the NYSDOT easement that exists on the back side of the property commonly known as 1799 Pennsylvania Avenue, Pine City, NY and further, the NYSDOT has no issue with the installation of a small underground septic line that would cross the easement, but if DOT plans change, which is extremely unlikely, the acceptability of such an installation would need to be revisited. (*See: Letter, dated January 23, 2017, NYS DOT, John MacDowell, P.E., on file with Bower permanent record*). .

Discussion continued concerning Mr. Bower's interest in continuing with a public hearing. Mr. Bower advised he wanted to go forward with the public hearing. Chairman Gensel explained the procedure and advised the public hearing would be held on Wednesday, March 15, 2017 at 7:00 pm or as soon thereafter as it can be heard.

Informational Hearing Adjourned: 7:11 pm.

Minutes of February 15, 2017 – Organizational Meeting and
Informational Hearing - John Bower
Informational Hearing – Nixon Peabody-Robert Burgdorf

Item No. 4 - New Business (continued)

Informational Hearing – Nixon Peabody-Robert Burgdorf

Attendance: Applicant Robert Burgdorf and Theresa Whiteford

Minutes of the Informational Hearing for Nixon Peabody – Robert Burgdorf, 1300 Clinton Square, Rochester, New York, 14604, regarding 159 Bartholomew Road, Pine City, New York, York, Tax Map 117.00-1-30-1, zoned AR, held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on February 15, 2017 at 7:11 pm. concerning an area variance to build a one hundred sixty foot (160') wireless tower which exceeds the maximum allowable height of one hundred twenty feet (120') as per Town Code, Section 525-109 D 2.

Mr. Burgdorf advised a packet had been provided to the Board presenting the requested proposal in detail, specifically Exhibit B, in the packet, sets forth technical requirements, but basically the tower has to be in the right location at the right height so each cell can talk with each other. If the tower is set at one hundred thirty feet (130') this height does not provide adequate coverage and therefore the request is for a one hundred sixty foot (160') height. Looking for a height variance from this Board. The Site Plan request has been received by the Planning Board and the Board is going to do a SEQR Uncoordinated Review, and this has already been referred to the County with the County advising this is a local issue. (*See: Packet, dated December 6, 2016, including Exhibits A-R*).

Discussion continued concerning the SEQR and the decision was made to review the SEQR at the next meeting. From a SEQR point of view this is listed as an Unlisted action and Visual EAF will be reviewed by both the Planning Board and Zoning Board of Appeals. Mr. Burgdorf explained this can be a coordinated review with the Planning Board as the lead agency, if the Zoning Board of Appeals would like the Planning Board to do that. After consideration of this issue, it was decided to leave this as an Uncoordinated Review, with corrections on the SEQR Long Environmental Assessment Form as follows: address change from Southport NY to Pine City NY and Applicant's engineers are requested to give their opinion on the distances concerning the Visual EAF addendum.

Mr. Gensel advised usually for something like this there is a Lead Agency with a Coordinated Review. Since the Planning Board is performing an Uncoordinated Review, the Zoning Board of Appeals will do the same.

The documents provided were reviewed and discussion continued with respect to Exhibit B, Attachment 3, more specifically which sites are Verizon cell sites, and the need to know if there are other towers already in place that provide the opportunity for Verizon to collocate with an existing tower. Mr. Burgdorf explained the cell coverage is mandated and permitted by law to fill out the licensed area and that towers are built close to the search area that does not have adequate service, based on population. The allocation goes out to look for collocation, but this does not have anything that is one hundred sixty feet (160'). Mr. Burgdorf further explained the engineers go out and take photos from certain areas and on a computer prepare a simulation of what the tower would look like; picture provided in the packet is a picture of the proposed tower; there is every incentive to collocate. In urban places, towers are shorter, in rural areas towers are taller; Verizon and ATT would co-locate absolutely. Ms. Whiteford advised the FCC has overlay maps available to identify locations. Mr. Burgdorf will provide the following:

1. Tower maps based on FCC collocation versus location.
2. Towers in Southport based on FCC.
3. Document showing what coverage would look like.
4. Highlight population area ideal blanket coverage.
5. Visual EAF

Minutes of February 15, 2017 – Organizational Meeting and
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Item No. 4 - New Business (continued)

Mr. Burgdorf explained the contractual arrangements typically setup between the tower owner and landlord would be for a period of five (5) years with five (5) year renewals totaling twenty five (25) years. The tower is owned by a holding company.

Public hearing procedures were discussed and the parties agreed to continue with a Public Hearing scheduled for Wednesday, March 15, 2017 at 7:05 pm or as soon thereafter as it can be heard.

Informational Hearing Adjourned: 7:50 pm

Item No. 5 - Old Business

No old business

Item No. 6 - Discussion

No further discussion.

Item No. 7 – Adjournment

Ms. Eames made a motion to adjourn; seconded by Mr. Faulkner. Adjournment unanimously approved.

Meeting Adjourned: 7:55 pm

Original on File:

C:

Town Clerk
Board of Appeals
Town Board
Planning Board
Town Supervisor
Town Clerk
Town Attorney
Town Assessor
Town Code Enforcement Officer
Applicant John Bower
Applicant-Nixon Peabody-Robert Burgdorf

Prepared by:

Bonnie Balok, Secretary-Zoning Board of Appeals

February 17, 2017

*Minutes (Revised)
Approved by Board of Appeals
March 15, 2017*