

Honeoye Falls Village Zoning Board

Meeting Minutes November 23, 2015

Members Present: Hank Besanceney, Patrick Brennan, Stephanie Tolan, Mark Donahoe, Barry Kissack

Also Present: Michael Tobin (Village Attorney), Charlie Johnson (Code Enforcement Officer), John Lynch, Jeff Davis, and Dan Bassette

Chairman Besanceney called the meeting to order at 7:33 p.m. Chairman Besanceney stated that this meeting is a continuation from the October 26, 2015 meeting. Since the last meeting, the Planning Board has completed the SEQR with negative impact on the environment.

Area Variance – Village Square Boulevard – Crown Castle

The applicant, Crown Castle, is requesting an area variance from Section 190-57.5 H of the Zoning Code which requires a setback distance from all lot lines of 155 feet. The requested variance is to allow a setback distance of 100 feet.

Agent for the applicant, Jeff Davis, discussed the area variance. The design of the tower has a break point of 85 feet. Should the tower have a failure, it would be contained within the 100 x 100 leased area. The Village code calls for a fall down zone of the tower height plus 25 feet, a total of 160 feet. This is shown in the plans the ZBA received previously. The Planning Board granted the site plan approval for the 135 tower. J. Davis showed the balloon test photos to the Board.

Chairman Besanceney opened the meeting for public comment.

D. Bassette questioned whether there was discussion on the two mile radius between towers. J. Davis explained the need for 4G coverage and capacity as discussed in previous meetings.

There were no other comments from the public or the Board.

Crown Castle having made application to the Zoning Board of Appeals for an area variance from Section 190-57.5.H of the Village Code, and notice of a public hearing for consideration of same having been given as required by statute and a public hearing having been conducted, pursuant to said notice, on November 23, 2015 at 7:30 PM and no one having spoken in opposition to said variance, and the Board after due discussion and deliberation adopted the following resolution duly made by M. Donahoe and seconded by B. Kissack.

IT IS HEREBY RESOLVED that the area variance requested by Crown Castle from Section 190-57.5.H is hereby approved for the erection of the proposed 135 feet tall telecommunication tower on a parcel of land 100 feet by 100 feet based upon the findings of the Board that (1) the plans of 10/26/15 show the tower will be constructed as a monopole tower with a break point at 85 feet; and (2) if the tower was caused to be broken, the top 50 feet of the tower will fall within the parcel of 100 feet by 100 feet; and (3) the providers of cell phone service have been determined by the NY Court of Appeals to be a public utility and as a result are not held to the strict rules of the code as would a private entity; and (4) the Planning Board, as lead agency for Environmental review, determined the cell tower would not have a

substantial impact on the environment; and (5) that it will not have an undesirable change to the character of the neighborhood or detriment to nearby properties because it will be located in the Light Industrial Zone, a neighboring property is the former General Motors facility for research.

A roll call vote was taken: H. Besanceney-Aye, B. Kissack-Aye, S. Tolan-Aye, M. Donohoe-Aye, P. Brennan-Aye. Motion carried.

Special Exception Use – Village Square Boulevard – Crown Castle

The applicant, Crown Castle, is requesting approval for a Special Exception Use pursuant to Village Code Section 190-57.3 to construct a 135 foot telecommunications tower.

M. Tobin informed the Board there is a 10 year term lease with the option to renew for three years. Until all approvals are in place, the lease will not be started. If they do not get the rest of their approvals, they have the right to not proceed with the project. If the lease is terminated, the tower company, within six months after the agreement has terminated, has to remove all ground improvements and all foundations not more than three feet below grade and restore the premises and easement area to as normal as possible to its original condition.

Crown Castle having made application to the Zoning Board of Appeals for a Special Use Permit pursuant to Section 190-57.3 of the Village Code to construct a 135 foot monopole for telecommunication service on a parcel of land 100 feet by 100 feet in Tier III of the MUCLID, which is zoned for light industrial uses; and notice of a public hearing for consideration of the application having been given as required by statute, and a public hearing having been conducted by the Board, pursuant to said notice on November 23, 2015 at 7:30 PM and County of Monroe having been given notice per Section 239 M of the General Municipal Law and no one having spoken in opposition to the application for a Special Use Permit and the Board after due discussion and deliberation adopted the following resolution duly made by P. Brennan and seconded by B. Kissack.

IT IS HEREBY RESOLVED that application by Crown Castle for a Special Use Permit is hereby granted upon the following conditions:

1. The construction of the telecommunication tower and the site it is situate on be improved in accordance with the drawings submitted and approved by the Planning Board at its November 5, 2015 meeting, which drawings are dated October 26, 2015.
2. The applicant shall provide a written report by a qualified engineer that the radioactive transmissions from the antennas on the tower do comply with and meet the FCC regulations.
3. The applicant shall submit to the Village and Village attorney a redacted copy of the signed agreement, with all exhibits attached, for the option to lease and lease of the premises upon which the tower is located. (A proposed and unsigned agreement without exhibits attached was submitted.)
4. The project will not have any environmental impact; the Planning Board having reviewed the matter and rendered a negative declaration.
5. Within six months of termination of the lease, the monopole tower, buildings and structures upon the site shall be removed and the site returned to its condition prior to construction of monopole and site improvements.
6. That this Special Use Permit shall run with the land and be binding upon the applicant, its successor and/or assigns.

7. A building permit shall not be issued until Items 2 and 3 above are satisfied.

A roll call vote was taken: H. Besanceney-Aye, B. Kissack-Aye, S. Tolan-Aye, M. Donohoe-Aye, P. Brennan-Aye. Motion carried.

A motion was made by M. Donohoe to adjourn the meeting at 7:52 p.m. P. Brennan seconded. Motion unanimously approved.

Respectfully submitted,
Patty Pragle
ZBA Clerk