

The regular meeting of the Zoning Board was called to order by Chairperson Stephen Beggs, Tuesday, November 13, 2001 at 7:35 PM

Members present	Chairperson	Stephen Beggs
	Board Member	Bob Drumm
	Board Member	Al Miller
	Board Member	Jim Butkus
Others present	Town Attorney	John Langey
	Town Board Member	Sandy Smith
	Town Board Member	David Knapp

Chairperson Beggs stated that Crown Atlantic public hearing has been closed and there has been no ruling as of yet.

Attorney Burgdorf was present and stated the Crown Atlantic preferred the Newell Hill Site. The tower would be 150' as opposed to a 190' tower at the Berry Road site and would be a direct view of a few residents. The Newell Hill site is an excellent platform for other providers. The long Environmental Assessment form was reviewed by the Board. On file in the Town Clerk Office

Motion by A1 Miller, seconded by Bob Drumm allowing Attorney Langey prepare a resolution declaring a negative declaration for the Tully Valley site (Rt. 11), passed unanimously.

Motion by Bob Drumm, seconded by Jim Butkus to allow Attorney Langey to prepare a resolution declaring a negative declaration for the Newell Hill Site.

The Board feels that the issues and concerns of the board have been addressed by the applicant.

1. Crown has established the need for a telecommunications facility, on behalf of its FCC licensed wireless telephone service provider tenant to provide adequate wireless telephone service to the public for the portion of its network centered in and around the eastern corridor of the Town of LaFayette (Route 20).

2. Crown has demonstrated the limited flexibility with respect to where the facility can be located to provide the needed service.

3. The Town 's retained engineering consultant has verified the technical data and information and conclusions of such information submitted by the applicant.

4. Crown has demonstrated that there is no other tower or existing structure located within or near this portion of its network available for shared use and/or which would provide an adequate level of service to that portion of its network

5. Crown has demonstrated that the proposed telecommunications facility is inert, that it ,will not generate noise, odor, vibration or significant traffic. Portions of the facility may be visible from some viewpoints, due to its height, but that he visual impact has been minimized by placing the facility in a sparsely populated and substantially wooded are, located a relatively significant distance from residences, low enough to avoid F AA aviation lighting requirements, and modified to a monopole design. The Project is sited so as to minimize the visual impact of the tower to the maximum extent practicable

6. The proposed site will be visited by a technician only once or twice a month, and therefpre will have no impact upon traffic conditions in the area. and virtually no impact on surrounding properties.

7. Because of the frequency and power limitations imposed by the FCC the proposed telecommunications facility will have virtually no potential for interference with other radio frequency signals or nay consumer electronic devices.

8. Crown will comply with all applicable F AA regulations.

9. Crown has demonstrated that he Project meets the standards necessary for a use variance under applicable New York law for public utility service by demonstrating that it will be used by a properly licensed.

Motion by Jim Butkus seconded by Al Miller to approve the Newell Hill site with the following conditions and passed unanimously.

1. The applicant obtain and file with the Town all required approvals from the County and/or New York State department of Transportation and Town Highway department.
2. All remaining engineering and legal fees associated with the review of the application be paid prior to construction and issuance of building permit.
3. The applicant submit actual signed leases with the FCC licensed wireless telephone provider which will be locating on the proposed tower. It is expressly conditioned herein that should the applicant not file said lease within 12 month from the date of this approval, this resolution shall be null and void. It is further understood and agreed that no building permit shall be issued and no construction of the proposed action shall take place until the said valid lease has been filed with the Town..
4. This resolution shall be null and void in the event that for any six month period the applicant fails to locate an FCC licensed provider on said tower. Such six month period shall be deemed an abandonment of the use and the applicant will be required to reapply to he Zoning Board of Appeals for a new use variance.
5. Construction and operation shall be in strict accordance with the plans prepared by Costich Engineering and dated.
6. The tower structure shall be of a monopole design with a gray color per Town of LaFayette Local Law 1 of 1997. The proposed facility shall be bordered by an eight-foot opaque fence in compliance with said law.
7. The applicant shall provide a secure facility including anti-climbing measures.
8. The applicant shall provide a detailed landscaping plan including identification of existing and proposed landscaping measures. The applicant will maintain the facility pursuant to its maintenance plan as submitted along with a schedule for painting, trimming, building maintenance and shall keep the access road in good order .
9. The applicant shall provide a copy of the FCC license for the Wireless Telephone Provider with the Town of LaFayette.
10. The applicant shall provide a detailed fall line information to be placed on file with the Town Clerk.
11. The access road to be provided shall be of gravel construction.
12. The applicant shall keep on file with the Town and local fire department detailed construction elevations, descriptions and dimensions of surrounding vegetation, including tree species for the proposed site. The applicant in construction and operation of the facility shall preserve as much vegetation as possible and shall limit the cutting of any and all trees on the site in order to provide for maximum screening
13. The applicant will provide evidence of an agreement with the owner of the parcel limiting the owner's ability to cut surrounding trees which provide visual mitigation and shall have a copy of such agreement on file with the Town.
14. The applicant shall post a bond for \$30,000 for reclamation purposes and shall renew said Bond shall be on file with the Town Board for a period for as long as the facility is in use and exists on the site. It is specifically conditioned that a review shall take place by the Town every three years to determine whether the bond amount is sufficient to cover the cost for reclamation.
15. The applicant agrees to provide its tower for co-location of other similar facilities at a reasonable expense and that he applicant has represented to the Board that it desires to allow its facility for co-location purposes.
16. The applicant shall provide to the Town updated structural engineering reports on a two year basis confirming the tower and the facilities continue to meet all structural safety standards and remain undamaged.

17. The proposed use shall not be increased and it is agreed by the applicant that the proposed use shall not be increased in height without future approval from the Zoning Board. Attorney Langey was asked by an adjacent property owner to ask the board would consider asking the applicant for a Letter of Credit. The board felt that a bond was better .

Motion by Bob DrtU11m, seconded by Al Miller to approve the Tully Valley site (Route 11) with the conditions as described for the Newell Hill Site, passed unanimously.

Motion for adjournment by Bob Drumm, seconded by Al Miller, meeting adjourned at 9: 15 PM

Respectfully submitted. Peggy Sutton