

TOWN OF JERUSALEM  
ZONING BOARD OF APPEALS

Approved

April 4, 2006

A special public meeting was held by the Town of Jerusalem Zoning Board of Appeals on Tuesday, April 4<sup>th</sup>, 2006 at the Branchport Firehouse. The purpose of the meeting was to review the independent RF Engineer report (provided by L.R.Kimball & Associates) to ask questions, and then to consider special use application #853 for Upstate Cellular Network d/b/a “Verizon Wireless” and their request for a tower structure to be built on Skyline Dr. for the purpose of providing wireless cellular service.

The meeting, scheduled to begin at 7 pm, was not called to order until approximately 7:20 pm.

Roll Call:	Jim Jameson	Present
	Ronald Rubin	Present
	Neil Simmons	Present
	Glen Herbert	Present
Alternate	Bob Fox	Present

Other participants of the meeting: Kevin Karn/Market Manager for L.R.Kimball & Associates, RF Engineer/Jeff Forshj, Robert Burgdorf/Attorney for Verizon, Alex Bell, RF Engineer for Verizon, Dave Simmons/owner of the existing Simmons Tower on H.Davis Rd.

Chairman Jim Jameson opened the meeting with the announcement that while this was a public meeting it was not a public hearing therefore it was basically for board members to discuss the report and to ask questions of the independent RF Engineer and consultant from L.R. Kimball. Chairman J.Jameson read two short letters from interested parties having seasonal cottages on East Lake Rd., PY, who spoke in favor of the tower. A letter of request from George & Dawn Hullings was read, asking that the site of the proposed tower, if granted, remain where it was proposed on the original site map provided in December and January respectively. Copies of these letters are on file in the Zap Office with the special use application. The last letter that was reviewed, was from YC Legislature Chairman, Robert Multer (copy on file). More specifically, the letter verifies that the Yates County Pines, cannot be leased or sold to a private organization, except for oil and gas exploration and removal purposes, therefore removing the possibility of the YC pines area for a tower.

Chairman J.Jameson then introduced Kevin Karn from L.R.Kimball & Associates. Mr. Karn briefly described how the report was generated. He stated that he had been in attendance at the January Public Hearing so was quite familiar with the objectives of coverage, the sensitivity of the Skyline Dr. site, as well as the need to take a look at the Simmons tower site on H.Davis Rd.

He stated that he and RF Engineer, Jeff Forshj had come in March to spend a day to visit not only the Skyline Dr. and H.Davis Rd. sites, but had also stopped to take a look at the Sheriff's small tower at the edge of the pines area.

Mr. Karn then introduced the RF Engineer, Jeff Forshj, who gave a brief review of how the studies were done and the approach by which they came up with the chart showing the various levels of coverage from both the Skyline Dr. site and the H.Davis Rd. site at different AGL heights. Mr. Forshj then gave a brief slide review of the information that was contained in the L.R.Kimball report.

There appeared to be better coverage at 150 ft. versus the 170 ft height, however, Mr. Karn stated this was not the case and it was thought that the slides had been reversed. He stated that the propagation studies would bare this out and hard copy would be sent to the Town confirming this.

There were questions from board members regarding the location of the tower and the amount of land that needed to be leased for the tower to fall within its own leased area. Attorney R.Burgdorf provided a letter (copy on file) dated 12/15/2005, written to Sandra Brooks, stating that the tower could be designed so that should it collapse, it would do so within a 90 ft. x 100 ft. compound. This letter is signed by Stephen Yeo, P.E. Director of Engineering at SABRE Communication and stamped with his stamp as a licensed professional engineer.

Dave Simmons, questioned the 250 ft. and 1000 ft. heights at which his tower was tested. He also had submitted a written rebuttal to the L.R.Kimball report which was copied to board members, K.Karn, Jeff Forshj, Attorney R.Burgdorf, and RF Engineer, Alex Bell.

The board members questioned the collocation availability for any other providers at this tower site if it were to get built. Attorney R.Burgdorf stated that they would welcome another provider on the tower, should the occasion come up. He stated that Verizon only needed to have the 150 ft. monopole. It was noted that our tower law requires a new tower to be built to provide for collocation of at least three providers, or designed so that it can be retrofitted to accommodate a minimum of three carriers. Alex Bell stated that the tower base could be designed and built so that should there be a future request to go higher, the tower could have additional height added.

Two other items mentioned were the letter of credit/security to be submitted by Verizon to the Town Attorney for approval and then subsequently filed with the Town Clerk and the removal of the tower should it become obsolete or unused. (Section 160-99 & 99 of Article XVIII).

The possibility of Emergency Services having a space for use on this tower also came up. Independent Consultant, Kevin Karn, stated that this is something that is routinely asked for by Municipalities.

Attorney R.Burgdorf stated that this was certainly a possibility. If the Town could assess their needs and what was needed, they could approach Verizon and ask for space on the

Tower and if it wasn't already spoken for by another Provider, then it would more than likely it would be considered.

Board Member, N.Simmons, asked Jeff Forshj what his recommendation would be with regards to what space we as a municipality might ask for. He stated that a minimum of twenty feet and to reserve as close to the top as possible. As to what would go on the tower, he thought at least four whip antennas and at least one microwave dish.

A motion was made by Jim Jameson and seconded by Bob Fox to grant the special use permit for the tower structure on Skyline Dr. based on the following conditions:

1. A 150 ft. monopole structure painted gray with no guy wires, surrounded by a six foot chain link fence with two additional feet of barbed wire, and evergreens planted around the fence for screening. No outside generator.
2. The location of the structure shall be located as originally applied for and per the Planning Board approved site plan.
3. The amount of land to be leased shall remain at 90 ft x 100 ft. A waiver from leasing additional land was given by the Zoning Board based on a letter on file which states that the tower structure shall be so designed that if it were to buckle it would be in such a manner that as a result the section that would drop to the ground would be within a radius of 45 ft. from the base.
4. The tower structure shall be designed and built to support three fully sectorized arrays one of which shall be Verizon. The base of the tower shall be designed and built to allow for a minimum of 20 ft. additional height without compromising the tower structure, should the additional height be requested in the future. The Town/Public Safety may request space on this tower in the future.
5. A letter of credit/security shall be provided by "Verizon" to the Town Attorney for approval and then filed with the Town Clerk prior to a building permit being issued.
6. Section 160-98 of Article XVIII, shall apply if the tower becomes obsolete or unused.
7. The Zoning Board strongly urges Verizon to prioritize the two tower sites to the south of the Town of Jerusalem, (Grove Springs and Crystal Springs)and monies be appropriated for these towers in order that the Jerusalem cell be completed to provide wireless cell service to East and West Bluff Dr.

The board approval is based on the requested need from emergency personal both Townwide and Countywide as well as local area residents requesting wireless cellular service, particularly in the immediate Branchport area.

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The motion was carried with a poll of the board as follows: R.Rubin-grant, G.Herbert-deny, N.Simmons-grant, B.Fox-grant, J.Jameson-grant.

There being no further business, a motion was made by J.Jameson and seconded by G.Herbert to adjourn the meeting. The motion was carried unanimously and the meeting adjourned at 9:15 pm.

Respectfully submitted,  
Elaine Nesbit/ZAP Secretary