

Approved

Town of Jerusalem  
Zoning Board of Appeals

June 11, 2015

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, June 11<sup>th</sup>, 2015 at 7:05 pm by Chairman Glenn Herbert.

Roll Call	Glenn Herbert	Present
	Jim Crevelling	Present
	Ed Seus	Present
	Dwight Simpson	Present
	Earl Makatura	Present
Alternate	Rodgers Williams	Excused
Alternate	Joe Chiaverini	Present

Others present included: Gary Dinehart/Town Board, John F. Phillips/CEO, Terri Burkholder, Gerald Kernahan, Robert Brenner, Esq., Andy Matulewicz, Timothy Cutler/Planning Bd., Walter and Pauline Young, Mike and Pam Townsend.

A motion was made by J.Crevelling seconded by G.Herbert to approve the minutes of the May Zoning Board meeting as written. The motion was carried unanimously.

COMMUNICATIONS: There were no communications for the Board.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1047 for Upstate Cellular Network d/b/a Verizon Wireless to request a Special Use Permit to construct a 125 ft. monopole tower with an additional 4 ft. lightning rod and a 12 ft. by 30 ft. equipment shelter and other associated improvements on a .23 acre of land leased from Mike and Pam Townsend at 3338 County House Rd. Penn Yan, NY.

Attorney Robert Brenner and Site Acquisition Specialist Terri Burkholder were present to answer questions for the board members and anyone in the audience having questions regarding this application.

Attorney Brenner explained that they had already been to the Jerusalem Planning Board for an initial presentation of their site plan and would be going before the Yates County Planning Board on June 25<sup>th</sup>,

It was noted that they would be returning to both the Jerusalem Planning Board and Zoning Board in July and hopefully get the approvals they needed to go forward with the project.

A brief review of the application was then given by Attorney Brenner for the benefit of anyone that had not seen all of the paperwork or charts on this request. He briefly explained the reason why there was a need for a new tower, and also explained the reasons why existing towers or existing tall structures were not practical to be used.

He also noted (in accordance with the Jerusalem Zoning Ordinance) that they had made allowances for collocation on this proposed tower, despite the fact that it will not be as tall as the tower located at 4137 Skyline Dr. Many of the same requirements that are currently built into our ordinance are being applied to this proposed tower.

There were questions from nearby property owners about the RF (Radio frequency) electromagnetic fields and the exposure from this telecommunication facility. In answer to these questions, it was noted that there is a documented letter dated April 17, 2015 as part of the application materials submitted that this facility with its overall 125 tall pole including the 4 ft. additional lightning rod and the 12 ft. x 30 ft. building would be in compliance with electromagnetic field safety standards by a substantial margin (well below 1%) in all publicly accessible areas. This includes the base of the proposed structure and any areas in proximity to the proposed structure. The Letter in this report was signed by Paul Dugan, P.E. (Registered Professional Engineer) Licensed by the state of New York (copy of letter with application material).

When asked about other companies collocating on this tower, it was noted that when another company would ask to collocate on their tower, the FCC regulations and guidelines must still be met and therefore Verizon Wireless, by giving their permission for collocation would still be subject to making sure these requirements are met in accordance with FCC regulations.

Another question which came up during the meeting had to do with why the other sites that were looked at were not chosen for the tower site. This question was answered by Terri Burkholder the site acquisition specialist.

Attorney Brenner showed the coverage that is existing for our area and that of surrounding and adjoining Towns. He then added what will be the coverage with a new proposed tower (identified as Milo Highway) that is pending approval. The final picture showed what the coverage would be if the current proposed tower (that is being identified as the Yatesville Tower) does receive approval from Town of Jerusalem Planning and Zoning Boards with a recommendation from Yates County Planning Board.

Attorney Brenner asked that the Zoning Board request the Planning Board to be the Lead Agency for the SEQR review for this application. Chairman Glenn Herbert stated that this had already been done at the May meeting with a memo having been sent to the Planning Board.

There being no further questions from the public or from board members, a motion was made by E.Seus and seconded by J. Crevelling to table this application until the July 9<sup>th</sup> Zoning Board meeting, noting that the public hearing on this application remains open for the July meeting when there may be more information forth coming or there may be more questions or input from the public regarding this application. The motion was carried unanimously.

Application #1048 for Robert Stiles owning property at 7319 West Bluff Dr. Keuka Park, NY 14478 requesting an Area Variance to build an addition to existing home with less setback from the west property line than zoning requires for a lot on the east side of West Bluff Dr.

Mr. Gerald Kernahan, P.E. was present to represent Mr. Stiles and to answer questions for board members regarding this application.

Mr. Kernahan briefly explained that there had been somewhat of a change in the plans for Mr. Stiles addition since the area variance application had been applied for. He noted that there are no longer any plans to add a second story as part of the addition. It is only going to be a single story. The plans are still to extend towards the west property line.

One of the board members asked about the age of the existing house and it was noted that this house was pre-existing, non-conforming and in its present location, being built before zoning, it is at 47.2 ft. from the west lot line (as measured from the center of the traveled way) at its closest point and zoning requires it to be at 65 ft. as measured from the center of the traveled way.

The requested addition would made the existing home more non-conforming in that the setback from the center of the traveled way would be reduced to 37.6 ft. as measured from the closest point as proposed.

It was noted by Mr. Kernahan that the house does set up on a bank and if the addition were to be granted there would still be 3 or 4 ft. of front yard space between the addition and the edge of the bank.

The effect of the house and proposed addition being up on the bank helps so that the area down by the road is not crowded by the building and does not obstruct traffic either way.

Board members were concerned that even though this building was pre-existing, non-conforming, that by granting this area variance, they would be increasing the degree of non-conformance by allowing the addition to be built towards the western lot line.

Mr. Kernahan stated that he could understand where the board members were coming from, but he would have to talk to his client, Mr. Stiles, to see if this was something that he would be willing to do.

The question was asked if the expansion could be added in a north or south direction which would still require an area variance but it would be along the same line as the existing building. Mr. Kernahan pointed out that his client is already proposing an expansion to the south which will require an area variance along the same pre-existing, non-conforming line.

Upon further discussion among board members and Mr. Kernahan it was decided to table this application until the July meeting to give Mr. Kernahan time to talk with Mr. Stiles about the possibility of revising his proposed plans.

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A motion was made by E.Seus and seconded by J. Crevelling to table this application until the July 9<sup>th</sup> zoning board meeting. The motion was carried unanimously.

OTHER BUSINESS:

Zoning Secretary noted that there are at least 3 new applications coming in July.

There being no further business, a motion was made by E.Makatura and seconded by D.Simpson to adjourn the meeting. The motion was carried unanimously and the meeting was adjourned.

Respectfully submitted,  
Elaine Nesbit/Secretary