Zoning Board of Appeals
Regular Meeting and Public Hearing
March 5, 2020

Chairman Gary Daum called the Regular Meeting to order at 7:00 pm, at the Yates Town Hall, 8 South Main Street, Lyndonville, New York 14098.

Those Present:	Gary Daum, ZBA Chairman Don Melfi, ZBA Member Mike Boring, ZBA Member Jim Taylor, ZBA Member Dawn Metty, Deputy Clerk Jared Lusk (Partner w/Nixon Peabody) Peter George Larry Wolfe, Resident
Those Absent:	Richard Kurz, Chairman of Planning Board Pat O'Brien, ZBA Member

MINUTES:

Chairman Gary Daum entertained a motion to accept the minutes from the February 5, 2020 meeting.

RESOLUTION NO. 02-3/20

RESOLUTION TO ACCEPT THE MINUTES FROM THE FEBRUARY 5, 2020 MEETING AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to accept the minutes from the February 5, 2020 meeting as presented to each board member.

Offered: Don Melfi
Seconded: Jim Taylor

Votes: 4 Ayes (Melfi, Taylor, Boring, Daum); 0 Nays (1 absent O'Brien)

Chairman Gary Daum – At last meeting the height of the tower was discussed. The concern was more of falling than the height. A referral was sent to the County Planning Board however the meeting was cancelled due to the weather. The referral was looked over and a letter was sent back explaining the cancellation and that the referral was sent back to the Town of Yates with no recommendation made and the Town is free to take final action.

Chairman Gary Daum asked on an average about how high are the towers normally.

Jared Lusk explained how the towers work and that on an average height is between 100 & 200 ft. high.

Chairman Gary Daum asked if there were any other questions.

There were no questions.

Regular meeting was adjourned for the public hearing.

Chairman Gary Daum called the Public Hearing to order at 7:15 pm, at the Yates Town Hall, 8 South Main Street, Lyndonville, NY 14098

Those Present: Gary Daum, ZBA Chairman
Don Melfi, ZBA Member
Jim Taylor, ZBA Member
Mike Boring, ZBA Member
Dawn Metty, Deputy Clerk
Ed Urbanik, Planning Board Member
Ralph Smith, Planning Board Member
Joanne Suhr, Planning Board Member
Mark Hughes, Planning Board Member
Jared Lusk (Partner w/ Nixon Peabody)
Peter George
Larry Wolfe, Resident

Those Absent: Richard Kurz, Chairman of Planning Board
Pat O'Brien, ZBA Member

The following notice was placed in the Batavia Daily News on February 25, 2020.

PLEASE TAKE NOTICE; there will be 2 Public Hearings held on March 5, 2020 starting at 7:15 pm at the Yates Town Hall, 8 South Main Street, Lyndonville, New York 14098. The purpose of the public hearings is for an area variance and for a special use permit/site plan review. The First Area Variance Application # 01-20, submitted by Tarpon Towers & Bell Atlantic Mobile Systems at 1200 Countyline Rd., Lyndonville, New York 14098 for a 70' ft. height variance. The Second is a Special Use Permit/Site Plan Review Application # 01-20, also submitted by Tarpon Towers & Bell Atlantic Mobile Systems at 1200 Countyline Rd., Lyndonville, New York 14098 to operate a wireless telecommunications facility at the above-referenced property. These applications may be reviewed at the Office of the Town Clerk, 8 South Main Street, Lyndonville, NY 14098 during regular business hours.

All persons wishing to be heard shall be heard at this time. Correspondence may be made in person at the Public Hearing or by letter to the Town of Yates Planning Board and/or Town of Yates Zoning Board.

Public hearing was called to order at 7:15 pm.

Chairman Gary Daum – Have an application for a height variance submitted by Tarpon Towers & Bell Atlantic Mobile Systems. The height request is for 70 ft.

Chairman Gary Daum went over the application and then asked if there were any questions.

Jared Lusk explained that they are only asking for a 105 ft. and not the average of 150 ft. tower.

There were no other questions.

Motion to close Public Hearing.

Offered: Mike Boring
Seconded: Don Melfi

Votes: 4 Ayes (Boring, Melfi, Taylor, Daum); 0 Nays (1 absent O'Brien)

Reconvene to the regular meeting.

Chairman Gary Daum went over and filled out the Area Variance Findings & Decision Sheet.

Chairman Gary Daum entertained a motion to approve variance for tower to 109 ft. including lightning rod.

RESOLUTION NO. 3-3/20

RESOLUTION TO APPROVE VARIANCE FOR TOWER TO 109 FT. INCLUDING LIGHTNING ROD AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to approve variance for tower to 109 ft. including lightning rod as presented to each board member.

Offered by: Don Melfi
Seconded by: Mike Boring

Votes: 4 Ayes (Melfi, Boring, Taylor, Daum); 0 Nays (1 absent O'Brien)

Mike Boring entertained a motion to approve the Environmental Impact Statement which indicated not a negative impact.

RESOLUTION NO. 4-3/20

RESOLUTION TO APPROVE THE ENVIRONMENTAL IMPACT STATEMENT WHICH INDICATED NOT A NEGATIVE IMPACT AS PRESENTED TO EACH BOARD MEMBER.

RESOLVED, to approve the Environmental Impact Statement which indicated not a negative impact as presented to each board member.

Seconded by: Don Melfi

Votes: 4 Ayes (Boring, Melfi, Taylor, Daum); 0 Nays (1 absent O'Brien)

NO FURTHER BUSINESS WAS DISCUSSED

Motion to adjourn meeting.

Offered: Mike Boring
Seconded: Jim Taylor

Votes: 4 Ayes (Boring, Taylor, Melfi, Daum); 0 Nays (1 absent O'Brien)