

ZONING BOARD OF APPEALS MEETING

July 16, 2020

6:00PM

The meeting was called to order by Chairperson Kathy Taylor at 6:00PM. Roll call by Clerk, Cindy Schiminske, found the following Board Members present:

Kathy Taylor, Chairperson

Neal VanLiew

Ernie Rivera

Jason Schenck

Phil DelloStritto, Absent

Maureen Riester, Alternate, Absent

Also in attendance: Bill Gabak, Jr., Zoning Officer

Daniel Mahaney

Attorney Matt Kerwin

Tim Richmond

Chairperson Taylor made a motion to approve the minutes of June 18, 2020 as presented by ZBA Clerk, Cindy Schiminske. Approved AYES 4-0.

(1) Daniel Mahaney, 5773 West Lake Road, Tax Map #130.04-1-14, is requesting the following variances for the construction of a 10' x 12' storage shed: a south side yard area variance of 10 ft from the required 25 ft; and a rear yard area variance of 10 ft from the required 30 ft. Reference the Town of Fleming Zoning Code, Bulk & Use Table, R-2 District.

Daniel Mahaney was present and stated that he would like to put in a store bought shed.

Chairperson Taylor reviewed the five criteria for granting the area variance with the Board Members.

Chairperson Taylor made a motion to vote on the variance request, seconded by Neal VanLiew.

Roll call vote was taken by the Board.

Jason Schenck	YES
Neal VanLiew	YES
Ernie Rivera	YES
Chairperson Taylor	YES

MOTION APPROVED

Chairperson Taylor stated that the applicant needs to be sure that there is no water runoff from the building onto the neighbor's adjacent property.

(2) APC Towers, LLC, together with Verizon Wireless, are requesting a variance of 12 feet from the required 20 feet for a telecommunications access road on Ridge Road, Tax Map #128.00-1-2.2 (Kelly S. O'Hara property). Reference Section 13-8 of the Town's Zoning Code.

Matthew Kerwin of the Barclay Damon Law Firm appeared on behalf of the applicant together with Tim Richmond. Matthew gave an in depth presentation of the layout of the property where the tower will be located, Verizon's present coverage, signal strength, line of sight, etc. There was also discussion about the fall zone, towers, and the need from Verizon's coverage standpoint. Matthew stated that the proposed road of 12 feet is the standard width within the telecom industry. The road is wide enough at 12 feet to accommodate any emergency vehicles. Also, the 20 foot width requirement would require more earth disturbance in the area, which they are trying to avoid as much as possible. It also adds cost to the project. He also stated that they are considered a public utility for zoning purposes in NYS.

Chairperson Taylor reviewed the five criteria for granting the area variance with the Board Members.

Chairperson Taylor made a motion to vote on the variance request, seconded by Jason Schenck.

Roll call vote was taken by the Board.

Jason Schenck	YES
Neal VanLiew	YES
Ernie Rivera	YES
Chairperson Taylor	YES

MOTION APPROVED

There was discussion about whether or not the ZBA should review the SEQR. It was determined that it would be left to the Town Board, as lead agent, for their coordinated review. As the SEQR would have to be reviewed before the ZBA could grant the variance, it was decided that after the Town Board does the coordinated review of the SEQR, the ZBA would meet again to reaffirm their vote.

Chairperson Taylor made a motion to adjourn the meeting, seconded by Jason Schenck. All in favor. Time was 6:43 PM.

Respectfully submitted,

Cindy Schiminske  
Clerk, Zoning Board of Appeals