

**TOWN OF POMPEY ZONING BOARD OF APPEALS MINUTES
AUGUST 3, 2015**

The Town of Pompey Zoning Board of Appeals meeting was held on Monday, August 3, 2015 at 7:30 pm at the Town Hall. Present were: Chairman David Tessier, Kevin Sharpe, Dave Hale, Don Neugebauer, Pat Frazee; Town Attorney Jeff Brown and Code Enforcement Officer Richard Penhall.

Chairman Tessier opened the meeting at 7:30 pm. He stated that this is not the regular meeting night, the meeting is usually held the last Monday of the month. We rescheduled the meeting because we needed to wait for an answer from SOCPA.

We have one item on the agenda, scheduling a new hearing for tonight for Verizon. It is the second hearing for this project. We opened the hearing on September 29, 2014 and it was closed on June 21, 2015.

Verizon did complete a crane test with an electronic antenna in the air at 150 feet, 120 feet and 100 feet. Verizon had hoped this would answer some of the questions from the residents.

The results will be ready by the middle of August. They have asked the Board to reschedule the hearing for August 31st. That is our regular meeting night.

Curt Kolakowski of AiroSmith and Robert Brennan., Esq. Of Nixon Peabody on behalf of Verizon are here tonight. The report is to be ready by the 15th of August, so we will need to open the hearing and adjourn until August 31st.

Nadine Bell, attorney for the residents would like the opportunity to speak tonight regarding the crane test.

Chairman Tessier did attend the crane test. On Monday they did the 150 foot and 120 foot test and on Tuesday did the 120 foot again and the 100 foot test. Code Enforcement Officer Rick Penhall was also present.

Motion by D. Neugebauer, seconded by K. Sharpe to open the public hearing. Passed 4-1. Pat Frazee – nay.

Nadine Bell, attorney for the residents wanted to express her concern regarding the crane test. At the June 1st meeting, a 14 page document from Verizon was handed in. The Board stated that any written correspondence would be accepted until July 15, 2015. After the deadline, Verizon wanted to do a crane test. The Board accepted after the deadline and then proceeds to accept the crane test report after the deadline. If she had submitted a letter after the July 15th deadline, she knows it would not have been accepted.

It appears the Board has already decided that the applicant can submit at will after the deadline. She submits that the process taking place is a farce. What is done for the applicant is not fair.

Pat Frazee strongly objected to her comments. He has not made up his mind. We are trying to make a better decision based on all available information.

Mark Underwood of Pompey Center Road stated that the last time the Board voted was for the July 15th deadline.

Chairman Tessier stated we will have to change the deadline to accept the crane report.

Kevin Sharpe asked if there were any citizens at the crane test? Did it help you visualize any better?

Mark Underwood stated that where the crane was set up, it was not near the trees. Even at 100 feet, it was different that what he thought.

Kevin Sharpe stated they said okay to the crane test because they want everyone on the same level before a decision is made.

Mark Underwood said the residents did not know about the crane test.

Sharon Hochstein stated that she feels that whatever Verizon wants, Verizon gets. Feels they should have had the information in earlier.

Chris Moseson said substantiate the height of tower, create more data.

Don Neugebauer asked about the location of the crane, was it not where the tower is supposed to be?

Chairman Tessier said it was 100 feet away.

David Peckham of Gibbs Road recommended that the Board not review or accept the crane test. They want a 150 foot tower, feels that the report will go with that. If they want higher, let them get another location.

Chairman Tessier stated that Verizon's first amended request is for a 120 foot tower, not 150 feet.

David Peckham feels they should look at another location.

Pat Frazee stated that they are trying to make it work, so it is the least intrusive.

David Peckham suggested using silos, double use.

Dave Hale said they could come in with a blue silo. Do you want to look at a blue silo?

Chairman Tessier stated he has talked to the applicant re camouflaging the site. If that is something the Board wants to do.

Robert Brenner of Verizon stated that yes, they did the crane test directly in response to the residents concerns. Respectfully ask the Board to accept the report.

Chairman Tessier said the Board has been accepting more information. He does believe that a representative from CityScape (the Town's consultant) will be at the next Board meeting on August 31st.

Don Neugebauer asked if the report would also be given to CityScape to review.

Chairman Tessier stated that it is the intent to get the report to everyone at the same time. Everyone will have two weeks to review the test.

David Peckham stated that by accepting the report, the Board is also accepting the tower in a residential area.

Chairman Tessier disagreed – doesn't say Board accepted anything, just the report.

Attorney Jeff Brown stated it is not unusual to have a crane test.

Chairman Tessier stated it is the accurate way to look at things in the air with a direct signal.

Board needs to see impact of height. Board needs to focus on whether there are gaps in Verizon's coverage, where are locations if the tower will remedy those gaps and the level of intrusion proposed tower will have on community.

Attorney Jeff Brown stated the Board needs to see if information is helpful or not. Rick Edwards will evaluate.

Chairman Tessier asked if there were any more questions.

Chris Moseson of Indian Hill Road stated she is here because of Verizon application. This has been very painful for the citizens. Rick Edwards said he usually gets involved earlier. Where is overall plan for shorter frequency? Her point is, this Town needs to apply a tough microscope. Lean on someone like Rick Edwards. Used to be getting over trees, now it is terrain. This begs for our Town to have a new Master Plan.

Chairman Tessier stated that is a comment for the Town Board. Keep in mind we do have an ordinance in place that has a maximum height. We do think about it. It needs to be looked at. We understand your concerns, but we do have to work with the Town Code.

Motion by D. Hale, seconded by K. Sharpe to adjourn the public hearing to August 31, 2015 at 7 pm. Unanimous.

Chairman Tessier then said that the Board needs to vote on accepting new documentation. If the 15th is acceptable, residents also need time to respond.

Chairman Tessier said we need to have time to accept the documentation at the Town Hall. We need to cut back to accept no later than close of business.

Motion by K. Sharpe, seconded by D. Hale to accept written documentation and written comments by August 26th at midnight, thereby extending the July 15th deadline. Unanimous.

Attorney Jeff Brown asked if the Board wanted to address if Verizon has a delay?

Chairman Tessier stated we want the report from the applicant by the 15th of August.

Robert Brenner, Verizon Wireless, will work to make sure the Board has the report by close of business on Thursday, August 13th.

Motion by K. Sharpe, seconded by D. Hale that the applicant, Verizon Wireless, needs to have the crane report at the Town Hall by Thursday, August 13th, close of business. Unanimous.

Motion by K. Sharpe, seconded by D. Neugebauer to adjourn at 8:15 pm.

Respectfully Submitted,

Darla M. Mawson, Secretary
Town of Pompey Zoning Board of Appeals