

**TOWN OF CLARKSON  
ZONING BOARD OF APPEALS  
September 2, 2015**

The Zoning Board of Appeals of the Town of Clarkson met on Wednesday, September 2, 2015 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00 p.m.

**PRESENT-Board Members**

Conrad Ziarniak – Chairperson  
Paul Dittman  
Leslie Zink  
Tom Guarino  
Joe Perry

**Support Staff**

Kristen DiFilippo, Bldg. Dept. Coordinator

**CALL TO ORDER**

Conrad Ziarniak-Chairperson called the meeting to order at 7:00 p.m. and led all those present in the Pledge of Allegiance. The agenda was reviewed by Board Members.

**NEW BUSINESS**

**John Clausen (T-Mobile) – 925 Drake Road  
Tax Account# 028.04-1-1  
Zoning: RS-20**

Regarding removal and replacement of six antennas and one battery cabinet at the existing cell tower located at 925 Drake Road.

Chairperson Ziarniak gave a brief overview of the Middle Class Tax Relief and Job Creation Act of 2012 that became a law, §6409(a). He read aloud the three-page letter written by Land Use Associate, John Clausen on behalf of T-Mobile to the Zoning Board of Appeals. The above-referenced letter is currently saved in the property file located in the Building Department. C. Ziarniak read aloud FCC Order 14-153 that states modification of an existing cellular site is entitled to mandatory approval if it meets the following criteria:

- The proposal does not increase the height of the facility by more than 20 feet or 10%, whichever is greater.
- The proposal does not protrude from the edge of the tower more than 20 feet or the width of the tower, whichever is greater.
- No more than the standard number of new equipment cabinets appropriate to technology will be installed.
- The proposal does not involve excavation or deployment outside the current site boundaries.
- The proposal would not defeat existing concealment elements.
- The proposal is not inconsistent with other conditions of the underlying approval.

Under §6409(a), approving an application, it does not specify a time limit, but the FCC found that 90 days is a reasonable period of time to process the application.

ZBA Board members compiled a list of criteria in moving forward with the above application:

- A formal Zoning Board of Appeals application needs to be filled out and submitted.
- A representative of T-Mobile and American Tower needs to address the Zoning Board of Appeals personally to explain the proposal.

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- Structural analysis of the proposed modifications to the cell tower needs to be completed and reviewed by the Town Engineer.
- Town Attorney Dick Olson needs to review the modifications.

**WORK SESSION**

Entering data into WebQA.

**REVIEW OF MEETING MINUTES**

Motion by Paul Dittman

Seconded by Tom Guarino

To approve the August 19, 2015 minutes.

Unanimously carried

**AJOURNMENT**

Motion by Conrad Ziarniak

Seconded by Joe Perry

To adjourn the meeting at 8:15 pm.

Unanimously carried

**NEXT MEETING**

The next regularly scheduled meeting of the Zoning Board of Appeals will be Wednesday, September 16, 2015 at 7:00 p.m.

Respectfully submitted,

*Kristen DiFilippo*

Building Department Coordinator

*Approved 9/16/2015*