

TOWN OF GROTON ZONING BOARD OF APPEALS
Meeting Minutes – Wednesday, 24 August 2016 – 7:30 PM
Groton Town Hall Court Room – 101 Conger Boulevard – Groton, NY

Board Members

Ted Schiele, Chairman
Paul Fouts
Patricia Gaines
Carolann Darling
Daniel Cerretani

(*Absent)

Others Present

Sheldon Clark, Town Councilman
Joan Fitch, Board Secretary

Applicants & Public in Attendance

Meredithe Mathias for Pyramid Network Services, LLD, Appellant; Town Councilman Randy Jackson; Deputy Town Clerk Robin Cargian.

PUBLIC HEARING

Pyramid Network Services, LLC, Applicant/Kathy Wolf & Peter Clark, Reputed Owners – 194 Old Peruville Road – TM #36.-1-63.2 – Proposed Weather Station

The Public Hearing was opened at 7:30 p.m. by Chairman Ted Schiele who read aloud the Legal Notice as duly published in *The Groton Independent* on 17 August 2016. Proof of Publication has been placed on file for the record.

Chairman Schiele recognized the appellant's representative, Meredith Mathias, who was seeking a use variance to erect a 33 ft. weather station, including weather monitoring equipment, at this location. The variance is needed as this type of project is not in the Town of Groton's Land Use table and, therefore, is not allowed according to Section 302. The weather station would be used to relay weather data to Albany, NY, as part of a weather gathering system which is also used for Federal purposes.

Those ZBA members present introduced themselves.

Chairman Schiele then read into the record the 20 July 2016 letter to Ms. Mathias from Town Code Enforcement Officer W. Rick Fritz, advising her of the denial and right to appeal. A copy of this letter has been placed on file for the record. Chairman Schiele also advised the appellant that this Board has not yet heard back from the adjoining Town of Dryden, nor the Tompkins County Department of Planning, so there will be no determination made at this meeting.

Chairman Schiele then recognized Ms. Mathias who explained in detail what was being proposed on the subject parcel. This weather station would be the only one in Tompkins County, but they do have several in the surrounding areas. It is not a commercial tower where the landowner has any financial benefit; they will receive the weather information. The tower/equipment is solar powered. It's single use and nothing else will be placed on the tower which can be erected within 5 to 7 days, and has a four-foot base. There will be a 3±-foot lightning rod on the top of the fully fenced in tower.

Technicians will visit the tower for maintenance about three to five times per year. The proposed location was selected because of its openness, it's away from buildings, and the willingness of the landowner. Chairman Schiele asked Ms. Mathias if there was something in writing that explains why this particular location is so important and what makes the request unique. She offered to provide this to the Board.

Member Dan Cerretani asked about electric service, and Ms. Mathias stated this would not be needed as everything will be solar powered. The Board then reviewed the drawings provided with the application and reviewed the Land Use Table; they reviewed the definitions and talked about accessory use. Member Pat Gaines commented that the word "weather" should be added as a type of tower, as it's not like a cell tower.

Ms. Mathias stated over 100 stations have been erected, and this same installation was made in Wolcott and Huron, NY. Chairman Schiele asked the Board if they agreed with CEO Fritz's interpretation, and stated he would like to receive other information from wherever the appellant had to obtain a variance. He also said that the Board couldn't approve something that was not permitted in the Code. Is it a non-commercial facility?

Member Carolann Darling asked if the telecommunications definition could be expanded, maybe broadening it to include weather stations. Ms. Mathias noted that the weather station is not regulated by the Federal Communications Commission. Chairman Schiele felt that the Board needed to look further into this and see where this facility "fits," and he would like to see how other municipalities have looked at it. Ms. Mathias suggested visiting the Town of Huron website to see if the ZBA record is posted thereon.

The Board then reviewed the "Balancing Test" questions with the appellant. Ms. Mathias then gave the Board a list of items she will provide for the next meeting.

Chairman Schiele asked if there was anyone present from the public who wished to speak on this appeal; there was no one.

With everyone being heard who wished to be heard, the Public Hearing was closed at 8:12 p.m. on a motion by Member Paul Fouts, seconded by Member Gaines, with all those present voting in favor.

No Action Taken.

Chairman Schiele advised that the next meeting would be on 28 September 2016 at 7:30 p.m.

APPROVAL OF MINUTES – 28 JULY 2016

A motion was made by Member Cerretani to approve the Minutes of the 28 July 2016 meeting of this Board. The motion was seconded by Member Gaines, with the vote recorded as follows:

**Ayes: Chairman Schiele
Member Cerretani
Member Darling
Member Gaines** **Nays: None**
Abstain: Member Fouts

Motion carried.

This becomes Action #18 of 2016.

ADJOURNMENT

At 8:15 p.m., a motion was made by Member Cerretani to adjourn the meeting. The motion was seconded by Member Darling, with all members present voting in favor.


Joan E. Fitch, Board Secretary

Emailed to Supv., Town/Deputy Clerks, CEO Fritz, Attorney Monty & Board Members on 9/28/16. (R2)