



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**
605 Vestal Parkway West
Vestal • New York • 13850-1486
Telephone (607) 786-0980 Ext. 201
Fax (607) 786-0984

ZBA BOARD MEMBERS:

Chairman: Jennifer Kakusian
Members: Mark Tomko
Tom Smallcomb
Thomas Jackson, Jr.
Alternates: Eugene Burns
John Taylor
Attorney: Matthew Butler

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of:

Up State Tower Co., LLC
4915 Auburn Ave, Suite 208
Bethesda, MD 20814

Barclay Damon
Attn: Matthew T. Kerwin, Esq.
One Park Place
300 South State St.
Syracuse, NY 13202

RE: BCTM#: 159.10-1-1
420 Old Mill Rd
Vestal, NY 13850

RECEIVED

MAR 17 2020

VESTAL CODE

For a variance as required as required by:

- Chapter 24, Article V, Division 2, Section 24-137 pertaining to construction and operation of a commercial transmission tower and facility in an I, Industrial zoning district.
- Chapter 24, Article V, Division 2, Section 24-327(2) and (4) for distance to property boundaries.

At a meeting duly scheduled for February 27, 2020, the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Up State Tower., LLC regarding premises situated at 420 Old Mill Road (BCTM#: 159.10-1-1) for a variance for non-conformity with: Chapter 24, Article V, Division 2, Section 24-137 pertaining to construction and operation of a commercial transmission tower and facility in an I, Industrial zoning district and Chapter 24, Article V, Division 2, Section 24-327(2) and (4) for distance to property boundaries.

Jennifer Kakusian, ZBA Chairman, asked if members of the ZBA had been to the property. All indicated in the affirmative. Matthew T. Kerwin, Barclay Damon, LLP agent and attorney for Up State Tower Co., LLC, appeared in support of the variance of request. Mr. Kerwin provided supporting documentation consisting of: SEQR part I (239 Short Environment Assessment Review), detailed plans and a cover letter of introduction. After review of these documents by the board, Mr. Kerwin explained the contents of the submitted packet and detailed the application and case.

The floor was open for discussion at 6:29PM.

Gretchen Schlegel 119 Brown Rd. inquired as to if the Town of Vestal had a lease agreement with the landowner. Mr. Kerwin answered in the negative with supporting explanation from ZBA Attorney Butler. With no one else wishing to be heard the floor was closed at 6:33PM.

None being heard the floor was closed at 6:10PM.

The applicant completed the 239 Short Environmental Assessment Form Part 2 (enclosed).

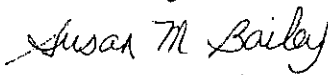
A motion was made by Gene Burns allow BCTM# 159.10-1-1 (commonly known as 420 Old Mill Road, Vestal, NY) a Special Permit pertaining to construction and operation of a commercial transmission tower and facility in an I, Industrial zoning district as required under Chapter 24, Article IV, Division 1, Section 24-152 and further described in Chapter 24, Article V, Division 2, Section 24-327 of the Code of the Town of Vestal, Broome County, NY.

Conditions to Motion: Tom Smallcomb seconded the motion with the condition that the Planning Board of the Town of Vestal AND the Town Board of Vestal BOTH approve of this variance AND the acceptance of the negative result on the SEQR goes with the motion.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>			
JK	X	—			
MT	X	—			
TS	X	—			
EB	X	—			
TJ jr	X	—			
JT	—	—	Absent	Passed: <u> x </u>	Failed: <u> </u>

Dated: February 27, 2020

Affirmed: 
(Jennifer Kakusian, Chairman ZBA)


Susan M. Bailey
Notary Public, State of NY
Qualified in Broome County
Commission Expires 3/2/2024