



TOWN OF WHEATFIELD
COUNTY OF NIAGARA
Zoning Board of Appeals
2800 Church Road, North Tonawanda, NY 14120
Phone: (716) 694-1026 Fax: (716) 694-1800
www.wheatfield.ny.us

Minutes of Special Meeting
August 29, 2019

Chairman Muscatello called the meeting to order at 7:00 pm.

Roll Call:

Present: Richard W. Muscatello (Chair) Michael Schaffer (Vice Chair)
 Matthew F. Klettke Debbie Carr (Secretary, non-member)

Absent: Art Gerbec Arthur Kroening

Hearing Held/Interpretations :

7:00 pm: Up State Tower Co LLC for Great Lakes Marine Radio requests a variance for Lot #177.01-1-2, located at 7263 Shawnee Road to construct a cell tower where the fall zone does not meet the minimum requirements. Purpose of this meeting: The ZBA meeting of August 26, 2019, erroneously addressed the height of the proposed tower, when in affect the Zoning Enforcement Officer requested addressing the inadequate fall zone. Hence, the fall zone is the topic of this meeting.

Board Findings: Please refer to the ZBA meeting minutes from August 26, 2019.

Findings per New York State Law Guidelines:

1. The new tower will replace a tower originally erected several years ago. There is no reasonable alternative. Of particular significance was Exhibit 13, of the petitioner's Site Plan, which proposes the adequacy of a 25' fall zone radius. Quote: "This design would enable the tower to fall through a combination of bending and buckling in the upper portion of the tower should a catastrophic wind loading occur. Failure in the manner would result in the upper portion of the tower folding over the lower portion, preventing a total collapse of the structure and resulting in a fall zone radius equal to 25 feet." This exhibit is signed and certified by a licensed State of New York Engineer.
2. The possibility of an undesirable change in the character of the neighborhood is mitigated by the fact that the existing tower has been in place for many years.
3. The variance in height is mitigated by its location in a densely populated area.
4. Because of its location, it will not have an adverse effect on the neighborhood.
5. Self-created but provides a needed technical upgrade in area telecommunications.

Motion to approve the fall zone variance, as submitted, based upon extensive discussion and technical substantiation made by M. Schaffer and seconded by M. Klettke. Ayes: Unanimous

- A. Gerbec - Absent
- A. Kroening - Absent
- R. W. Muscatello - Yes
- M. Schaffer - Yes
- M. Klettke - Yes

Motion Approved

Miscellaneous: None at this time.

Next Meeting Schedule : September 9, 2019 @ 7:00pm, sharp, Building Dept. lower level conference room.

Public Hearings: Scheduled for September 9, 2019 - None at this time.

A motion to adjourn : Made by M. Klettke, seconded by M. Schaffer Ayes: Unanimous

Respectfully Submitted,

Deborah Carr, Secretary
Secretary

Distribution: ZBA Distribution Listing

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Building Dept.

Planning Board

Assessor

ZBA Members

Town Clerk

Town Board

MIS Manager

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