



# TOWN OF AMENIA

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4988 Route 22, AMENIA, NY 12501  
(845) 373-8860, Ext. 122 Fax (845) 789-1132

## **ZONING BOARD OF APPEALS MEETING MONDAY, JULY 17, 2023 6:00 P.M – IN-PERSON**

### **REGULAR MEETING:**

- 1. SBA/NEXTEL – GENERATOR CONDITION RESOLUTION  
AND CONTINUED DISCUSSION**

### **OTHER MATTERS: MINUTES 6-20-23**



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## ZBA MEETING TUESDAY, July 17, 2023 IN-PERSON at Town Hall 6PM

**PRESENT:** John T. Metcalfe  
Tracy Salladay  
David Menegat  
Paula Pelosi  
James Wright  
Alternate: Craig Meili  
Alternate: James Morris

**OTHERS PRESENT:** Robert Stout ZBA Attorney  
Alec Gladd – SBA / NEXTEL Representative

A motion was made by Paula Pelosi, seconded by Jim Wright and carried, in the absence of Chairman Metcalfe at the beginning of the meeting, to open the Regular Meeting of the ZBA at 6:20pm. A brief advice of counsel session with Attorney Rob Stout prior to the meeting was held in the Planning / Zoning Board Office.

Deputy Chairman, David Menegat started the meeting by opening the discussion about the SBA / NEXTEL and the ongoing condition of the resolution requiring generator at the Route 44 Cell Tower location. Rob Stout gives a summary of the project as it has been left for approval. (Terry Metcalfe arrived) This resolution came to the Board at the June meeting and was not adopted. The condition in the current resolution requires the applicant to supply a backup generator to the site during a power outage within a certain amount of time. Since the user, T-Mobile has refused to do that, the Planning Board and the ZBA have requested a Contingency Plan in order to address system reliability and emergency backup power. That Contingency Plan was submitted on March 7, 2023 by T-Mobile. There will be a battery Backup at the Site (which is capable of supplying power for

6 – 8 hours) The T-Mobile site will have alarms that will inform them of power loss at the site or low battery voltage or if the site is not operational for any reason. They indicated that the batteries at the site are normally serviced on a five year rotation and are checked regularly. And if there is a power loss at the site, the Field Operations Technician will contact the local power authority (NYSEG) to get an approximate duration of the outage and, if the outage is estimated to be prolonged, that is longer than the 6 – 8 hours of backup batteries, T-Mobile will then deploy a portable generator to the site which may take 1- 4 hours based on where the generator is coming from as well as where the technician will be coming from. At the May meeting of the Planning Board, a resolution was granted to SBA by referencing the Contingency Plan, making the contingency plan a forcible part of their approval but revising the requirement and removing the requirement to supply a permanent emergency generator to the site and substituting this contingency plan. Also submitted after the Planning Board meeting, at the Planning Board attorney's request after some discussion, was a chain of command contact numbers and names for emergency contact. SBA's Alec Gladd was present to request that the ZBA do the same thing that the Planning Board did by issuing a resolution in the same language to adopt this contingency plan as written and submitted. The names of contacts for this project will be supplied to the Town Clerk's Office at such time that the resolution is filed. The regional manager will update the contact information when it changes. The Board should vote again on the proposed resolution after seeing if there were any further questions. Dave Menegat asked if Rob Stout would please read the "Resolved" clauses of the resolution for the record. A motion was made by James Wright, seconded by Paula Pelosi and carried to Adopt the **Modifying of a Condition of renewal of a Special Use Permit and Area Variance Approval for SBA 2012 TC Assets, LLC**. The results of the vote were as follows:

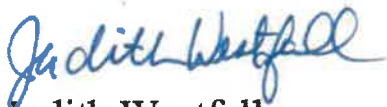
Terry Metcalfe, Chair	Yes
David Menegat	Yes
Paula Pelosi	Yes
Tracy Salladay	Yes
James Wright	Yes

James Wright noted one correction to be amended in the resolution. In the second “Be It Resolved” clause, there is no apostrophe in “its”. A correction will be made when it is filed with the Town Clerk.

The minutes of the ZBA Meeting held on 6-20-23 were submitted for review and approval. A motion was made by Paul Pelosi, seconded by Dave Menegat and carried to approve the minutes of the 6-20-23 ZBA Meeting.

The ZBA also formally closed the continued Public Hearing by motion made to close the Public Hearing that was left open in the matter brought to the board by Peter Kross for a setback variance for an in ground pool installation at 546 Smithfield Valley Rd Amenia NY. Peter submitted a new survey map which took into account the setback regulations for an existing non-conforming residence and the dimensions resulted in him NOT having to get a variance. Both the Building Inspector and Rob Stout verified this. Peter withdrew his application after the review of the new survey map was confirmed for variance of setbacks necessary. A motion was made by Paula Pelosi, seconded by Dave Menegat and carried to close the ZBA Meeting at 6:35 pm. The next meeting of the ZBA is scheduled for August 21, 2023 at 6pm.

Respectfully submitted



Judith Westfall  
ZBA Secretary