

Town of Murray  
Zoning Board of Appeals  
3840 Fancher Road, Holley, NY 14470

INFORMATIONAL MEETING DATE: June 9, 2021

BOARD MEMBERS PRESENT: Edward Downey, Chair  
William Silpoch  
David Leach  
Gerry Rightmyer  
Eric Collyer

TOWN ATTORNEY FOR PLANNING AND ZONING: Attorney, Maureen Werner

CODE ENFORCEMENT OFFICER: Kevin Moore

APPLICANT PRESENT: Andrew J. Leja  
Barclay Damon

RE: **Appeal No. 2021-6**  
**Vertical Bridge REIT, LLC Verizon Wireless**  
**Mr. Andrew Leja, Barclay Damon representative**

Pledge of Allegiance

**Mr. Silpoch made a motion to open the informational meeting; Seconded by Mr. Collyer. All "Ayes" motion approved.**

**Mr. Rightmyer made a motion to approve the minutes from May 24, 2021 and April 12, 2021; Seconded by Mr. Silpoch. All "Ayes" motion approved.**

Mr. Downey stated that this is an informational meeting for Vertical Bridge REIT, LLC Verizon Wireless.

Mr. Andrew Leja introduced himself to members and then proceeded to do a presentation on the proposed project.

**Vertical Bridge, LLC Verizon Wireless – Carton Road – Town of Murray, NY**

Mr. Leja went through and briefly explained each individual exhibit in the package that the firm Barclay Damon had given to the members:

- Exhibit 1 –Elevation Certificate
- Exhibit 2 – Project Description
- Exhibit 3 – Compliance with Telecommunication Act of 1996
- Exhibit 4 – Discussion of Applicable Variance Standard

- Compliance
  - A provider of wireless services must show only that 1) the requested relief is “required to render safe and adequate service, “ and (2) there are “compelling reasons, economic or otherwise, “ for the request variance. A municipality must therefore afford special treatment to a public utility when considering is zoning application.
- Exhibit 5 – Short Environmental Assessment Form
- Exhibit 6 - Engineering Necessity Case
  - Analysis – Verizon Wireless carefully considered and evaluated different alternative locations and structure in the surrounding area as potential alternatives before deciding on the site/structure ultimately proposed.
    - Coverage - the existence of signal of usable strength and quality in an area.
    - Capacity – the amount of wireless traffic (voice and data) a given site can process.
- Exhibit 7 – Real Estate Site Selection Report
  - 14 Acres parcel located on Carton Road in the Town of Murray. The property is zoned Residential/Agricultural and is currently used as a storage lot and hunting grounds by the owner, Wayne E. Moyer.
  - Search area contains .94 square miles, 26 parcels were reviewed and only 11 submitted to RF for review and approval toward the creation of a new telecommunications facility.
  - Not feasible for a co-location on surrounding towers.
- Exhibit 8 – FCC Licenses
- Exhibit 9 – Lease agreement- 5 year term renewable for 5 successive periods of 5 years each
  - Mr. Moyer (property owner) is not responsible for leased area.
- Exhibit 10 –Letter of Intent to the Town of Murray
- Exhibit 11 – Survey Certification
- Exhibit 12 – Town of Murray Consulting Fees and Removal of Facilities
- Exhibit 13 – Equipment Removal Estimate
- Exhibit 14 – Fall Certification Letter
  - If a failure were to occur due to a significant storm or other event, the tower would fall within a radius of 35’ from the base of the structure through a designed compression buckling.

Attorney Maureen Werner informed board members that at the Planning Board’s June 1<sup>st</sup> meeting the board members had a significant concern if the breakpoint doesn’t work and the tower falls into the road. This is a very serious concern.

The board members questioned Mr. Leja about why the tower can’t be moved back from the road for a larger fall zone. Mr. Leja then asked members of the board what they actually want from Vertical Bridge so he can go back to his engineers and possibly propose a new area on the site. Members of the board discussed having the tower back 285’ from the edge of the Right of Way. The tower is 184’ tall monopole and is located 185’ from Carton Road. An additional front setback of 100 feet for a total of 285’ front setback from the edge of the Right of Way and possibly moving tower site closer to one side of the property so there would only be one neighboring property easement.

- Exhibit 15 – Certificate of AM Regulatory Compliance
- Exhibit 16 – Visual Resource Evaluation
  - Planning Board had asked Mr. Kerwin from Barclay Damon to send the Planning Board Clerk the Visual Resource Evaluation photographs to put on our Town website.
- Exhibit 17 – Compliance with Town of Murray Local Law No. 3 of 1997
  - The proposed facility will promote the health, safety and general welfare of the residents of the Town of Murray by addressing coverage and capacity issues within Verizon Wireless' ("Verizon") network, thus ensuring the reliability of the essential service it provides.

**Mr. Silpoch made a motion to schedule a public hearing jointly with the Planning Board on Tuesday July 6, 2021 @ 7 PM; Seconded by Mr. Rightmyer. All "Ayes" motion approved.**

**Mr. Silpoch made a motion to close the informational meeting. Motion seconded by Mr. Rightmyer. Motion approved unanimously.**

**Mr. Downey made a motion to adjourn the meeting. Motion seconded by Mr. Silpoch. Motion approved unanimously.**

**Meeting adjourned at 7:50 PM**

*Respectfully submitted*

*Diane Herzog*

*Clerk Zoning Board of Appeals*

*June 13, 2021*