



**TOWN OF PEMBROKE
ZONING BOARD OF APPEALS
Minutes for the regular meeting held on January 21, 2015**

ATTENDANCE:

- Nathan Witkowski — Chairman
- John Kadziolka
- Terrance Daniel
- Donald Showler
- Diane Denton — ZBA Secretary

MEETING called to order at 7:35 pm.

A Motion to Approve the Minutes from October 15, 2014 was made by Chairman Witkowski; second to motion made by Mr. Kadziolka.

Voice Vote—ALL AYES—**MOTION PASSED.**

Chairman Witkowski introduced new board member Donald Showler, who will be filling in for the remainder of Richard Doktor's term that runs until the end of 2015. At that time he can decide if he would like to stay on for a full term.

Discussion

Yancey's Fancy/New Facility/Wireless Communication Structure

8818 Brickhouse Corners Rd., Town of Pembroke
(Tax Map # 19.-1-73.1; Zoning District: Commercial)

Does request require AREA VARIANCE?

Would Require Referral to Genesee County and Public Hearing

- The board needs to decide whether what Yancey's Fancy proposes would be a communications tower or an antenna.
- They need it for private wireless communication between their two Town of Pembroke locations, positioned southwest of the building, its base 65 ft. from the property line.
- The application calls it a communication tower. Basically, it would look like the antenna on top of the school except it would be free standing.
- Yancey's Fancy provided a letter signed by the Clarkes, who own the adjacent property, confirming their permission for the construction of the communication tower/antenna and stating that, in the event of it falling, Yancey's Fancy would repair any and all damages to their property or reimburse them for expenses incurred.
- If the wireless structure is considered an antenna, Section 302 I #2 would apply: it states that district building height regulations do not apply to an antenna of this nature as long as it doesn't present a hazard to aircraft operations.

- Section 303 B #2 would also apply: it states that an antenna of this nature (as an accessory structure other than a building) should be located in compliance with the required yard area of the perspective district in the rear yard.
- As Yancey's Fancy new facility's frontage is on the east side, then the antenna would be located in the rear yard and, at 65 ft. from the property line, meets the requirement of 35 ft. It doesn't matter how large the base is as long as it meets the rear yard area setback.
- The board decided that the proposed construction would be an antenna that meets all Zoning requirements and, therefore, no variance is needed for this application.

Old Business: Zoning Review Committee might meet to review fee schedule.

New Business: Mr. Daniels took an online 2 hour Zoning Board of Appeals training course run by the State of New York, local government division, which he said was very good. He was going to take the Planning Board course, but was unable to log into webinar. He plans on taking it at a later date. Diane will give his certificate stating he completed the course to Nicole.

A **MOTION** to close the meeting was made by Mr. Daniel, seconded by Mr. Kadziolka.

Voice Vote—ALL AYES

MOTION PASSED

Meeting adjourned at 8:05pm.

Respectfully Submitted,

Diane Denton-ZBA Secretary

Nathan Witkowski-ZBA Chairman

These minutes were approved by the Town of Pembroke Zoning Board of Appeals 4/15/15