



City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON ZONING BOARD OF APPEALS	
MEETING DATE: April 9, 2024	LOCATION: City Council Chambers, City Hall
CALLED TO ORDER: 5:15PM	RECORDER OF MINUTES: Shalin Patel

ROLL CALL		
ZONING BOARD OF APPEALS MEMBERS:	PRESENT	ABSENT
J. Kelly Donovan (chair)	X	
Susan Bucci	X	
John Matzo	X	
Ernest Landers	X	
Marina Resciniti	X	
STAFF MEMBERS PRESENT:	TITLE & DEPARTMENT:	
Juliet Berling	Director, Planning Department	
Shalin Patel	Planner, Planning Department	
Greg Buell	Zoning Officer, Planning Department	
Robert Heary	Corporation Counsel	
APPROVAL OF MINUTES		
MOTION to approve the February 13, 2024 meeting minutes as written.		
FIRST: Matzo	SECOND: Resciniti	VOTE: Carried (5-0-0)
AYE(S): Bucci, Donovan, Matzo, Resciniti, Landers	NAY(S):	ABSTENTION(S):

PUBLIC HEARINGS & FINAL DELIBERATIONS	
ADDRESS: 30 Brown St	CASE NUMBER: ZBA-2024-
APPLICATION FOR: Area Variance for the construction of a 110' tall telecommunications tower where 65' is the maximum height, with a 59' setback from the nearest property line where a minimum of 110' is required in the I-2 Light and Medium Industrial District.	
REPRESENTATIVE(S): Jeffrey Twitty (Attorney, Nixon Peabody), Brenda Blask-Lewis (Site Acquisition, Centerline Communications)	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ ATT is proposing to construct a 110' monopole style communications tower. ▪ Tower will help alleviate coverage issues on the western side of Binghamton and neighboring municipalities. ▪ Area variances will be required for fall zone of the tower. ▪ The tower will have a break point at approximately 60' above ground – in the likely event the tower was to collapse, it will fold itself at the break point and collapse within the compound. ▪ Chair (Donovan) asked, what would happen if the tower was within allowable limits, 65' tall? <ul style="list-style-type: none"> - Representative (Twitty) replied, it would not provide sufficient coverage/service to the area – submitted propagation studies show degree of coverage that would be provided by the tower at different heights. ▪ Chair (Donovan) asked if the applicant has had any experience with break/failure point of the tower from other projects. 	

- **Representative (Twitty) replied**, break points are commonly installed in towers such as the one proposed, though “I” do not have any experience in what it would look like in live action.
- **Representative (Blask-Lewis) commented**, if the tower were to fall, it would fold itself at the breaking point and stay within the fall zone, which will be shown on the final site plan drawing to be presented to the Planning Commission.
- **Board member (Bucci) asked** whether the tower is only for the ATT customers or other providers (Verizon, T-Mobile, etc.) could also use this tower?
 - **Representative (Twitty) replied**, this is monopole is only for ATT, but other providers can collocate on the 2 available spaces.
- **Board member (Bucci) asked** whether there will be any ramifications with the tower being so close to the active railroad tracks behind the proposed project, especially if there were to be any accidents?
 - **Representative (Blask-Lewis) replied**, if the tower were to fall, it would stay right within the property, it is not going to implode onto other properties.
 - **Board member (Resciniti) commented**, is there enough room between 60’ break point and the surrounding properties? If the base were to tip over onto the tracks or the road.
 - **Representative (Blask-Lewis) replied**, it is within the leased area and that area is off road. The ground lease between City Switch and the railroad company.
- **Board member (Resciniti) asked**, what is the difference in percentage between 85, 95, and 110’?
 - **Representative (Twitty) replied**, according to Exhibit R, looking at page 16, which shows antenna center length (ACL) versus 85 ACL, looking at location of the tower and the target it makes with brown to red to magenta colors, it is much more pronounced on the 105, which means there is more capacity granted and coverage provided to the surrounding neighborhoods. The percentage is not reflected on the map itself, therefore cannot say the percent of coverage available at various ft.
- **Board member (Matzo) asked** about the engineered wind load on the tower.
 - **Representative (Twitty) replied**, 110 mph wind speed.
- **Representative (Twitty) commented**, the Planning Commission had concerns similar to this board, regarding the location of the breakpoint and what it would do. “We will be showing a map of where exactly the fall zone will be with a hinge point, a diagram showing how the hinge point would work, and a new elevation drawing of the tower itself showing where the hinge point would be located on the tower.”
- **Board member (Bucci) asked** if the applicant had considered any other sites for this project?
 - **Representative (Twitty) replied**, a site selection report (reported as exhibit H) of the application shows the process of site selection. How these reports are created is, a cell carrier such as AT&T will identify a problem area with respect to coverage in a given locality and they will home in on an area and select a site they would want to locate, that is how for this project they ended up at 30 Brown St.
- **Board member (Resciniti) asked** the applicant to talk about the lightning rod located on the tower. What can you tell us about the concerns related to health (as an issue raised by one of the public speakers)?
 - **Representative (Twitt) commented**, lightning rod is a 10ft rod that will be attached to the top of the tower. The purpose of a lightning rod is in case of a lightning storm, the phenomenon is not actually hitting the antennas itself, it is hitting the rod. It would be 10’ on top of the 110’ tower, but typically lightning rods are counted as part of the height of the tower as a whole.
 - The FCC sets limits regards to the RF exposure (electromagnetic energy exposure) that telecommunication carriers such as AT&T are permitted to emit at these types of facilities. This project is well within the exposure limits set by the FCC, and it is set forth in Exhibit G of the application.

MOTION to OPEN the public meeting

FIRST: Donovan

SECOND: Bucci

VOTE: Carried (5-0-0)

AYE(S): Donovan, Bucci, Landers, Resciniti, Matzo	NAY(S):	ABSTENTION(S):
PUBLIC COMMENT:		
<ul style="list-style-type: none"> ▪ Peg Smith (Business owner at 40 Brown St) spoke in opposition of the project. Ms. Smith had following to say on the project, was wondering if the tower located at 494 Court St is the similar tower that is proposed for this project. The tower located on Court St is much further back from the road than one proposed on Brown St, which is about 59 ft from neighboring properties and the road. Just wondering how such a large tower can be fit in a smaller area on Brown St. At the Planning Commission meeting, there was something mentioned about putting up hedges or trees to block off the view. Where our lot is, tractor trailers back into that lot, if tall trees (15-18ft as planted at the Court St location) were to be planted here, “we” just want to make sure that “we” will be able to get into our lot. Also concerned about people who live and work around our business. A lady across the street has a pacemaker, my brother-in-law who works at our business has a heart condition, just want to make sure that it will not interfere with their lives. There are a lot of people who use Brown St and walk on it, it would be terrible to see anything happen to anyone or any of the businesses located on Brown St. ▪ Corporation Counsel (Heary) commented, the screening of landscaping was requested by the Planning department as part of screening the driveway. All the landscaping will be on the leased portion of the right of way from the railroad, so it should not interfere with the neighboring properties. There is also a requirement for a maintenance plan; if there are any concerns, one of the conditions of approval can be that any of the trees/hedges be maintained routinely so they are no encroaching on neighboring property lines. ▪ Board member (Bucci) asked, trucks that are backing into your business, are they coming in from Matthew St or are they backing in on Brown St? <ul style="list-style-type: none"> - Peg Smith replied, the trucks pull up on Brown St and back in. The lot on the left side is used for truck trailers that are open, forklift will pull off the products from the trailers. Meanwhile the trucks that back into the building have enclosed trailers that back in. ▪ Jim Spear (owns multiple properties next to and across the street) spoke in opposition of the project. Mr. Spears had following to say about the project: very concerned, the space proposed for the project used to be a railroad right of way that used to come into my property. Some of the railroad ties and stuff are in there and have owned the property since 1995. The railroad has never performed any maintenance on the property, we have taken care of it all these years. The Smiths just put-up brand-new asphalt driveway last year for their tractor trailers to have access into their property and they do go over the right of way. The applicants have a safety mechanism in place but that does not mean the base of the tower cannot knock over, they are making it break at some wind speeds, but a tower even if hinged, is not just going to fall straight down. For this project, they are asking for a variance of almost 50% of what it should be, it’s not like they are asking to go over 10 to 15ft, they are asking for half the distance of the setback both in height and width. What if the whole thing falls and not just at the breaking point? The property across the street had a micro burst and it took roofs off of my buildings that were all around storage buildings and it blew them into the wires. ▪ No letters received. 		
VOTING		
MOTION to TABLE the project until May 14 meeting		
FIRST: Donovan	SECOND: Resciniti	VOTE: Carried (5-0-0)
AYE(S): Bucci, Donovan, Matzo, Resciniti, Landers	NAY(S):	ABSTENTION(S):

ADJOURNMENT		
MOTION to adjourn		TIME:
FIRST: Donovan	SECOND: Matzo	VOTE: Carried (5-0-0)

AYE(S): Bucci, Donovan, Matzo, Resciniti, Landers	NAY(S):	ABSTENTION(S):
---	----------------	-----------------------