

TOWN OF KIRKWOOD  
ZONING BOARD OF APPEALS  
December 19, 2016

A meeting was held on December 19, 2016 at 7:00 p.m. at the Joseph A. Griffin Town Hall, 70 Crescent Drive, Kirkwood, NY on the application of American Tower, L.P. for the recertification of a Tower Special Use Permit for a Wireless Telecommunication Facility regarding property located at 311 Industrial Park Drive, Binghamton, known as Tax Map #162.01-1-10 and located in an Industrial Development (ID) District, this recertification is done every five (5) years.

Present: Duane Travis, Chairperson  
Mike Maciak, Member  
Ed Egan, Member  
Bruce Nemcek, Member  
Nathan VanWhy, Attorney

Absent: Cyndi French, Member, Jason Griffin, Associate Member

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

**APPROVAL OF MINUTES:**

Motion by Mike Maciak and second by Ed Egan to approve the minutes of the June 20, 2016 meeting as submitted. All voted in favor. Motion carried.

**MEETING – AMERICAN TOWERS L.P.**

Chairman Travis asked Jeremy Mudd from American Tower L.P. to come forward to speak with the board. Jeremy Mudd explained that every five (5) years we are required to come back for recertification. We have provided you with structural analysis report which demonstrates the tower's ongoing compliance with local and federal regulations. Also provided is the RF Emissions Compliance report which shows we are in compliance with the FCC rules and regulations. There have been no modifications to this facility. If you any questions about the facility or the operation, I would be happy to address them at this time.

Ed Egan asked are you planning any modifications. Mr. Mudd answered no we have no plans now, however technology is always changing and we will try to work with our customers. But at this time there is not an active proposal in front of us. Bruce Nemcek asked if it could carry more towers or is it over capacity. Mr. Mudd stated yes it could carry more towers. It is currently at 63%, there is definitely a possibility for another carrier.

Chairman Travis stated he compared what was submitted in the package with the Kirkwood Town Laws and it appears to him that they have submitted all the documentation that is needed. Mike Maciak asked if there has ever been a problem in the past with the tower. Chairman Travis said no, they have been in front of the board a couple times to change antennas. Mike Maciak asked if the tower was hit by lighting will it be affected. Mr. Mudd stated he is not sure if lighting did strike it whether there would be damage to that needs to be replaced, but structurally it is designed well and is fully grounded.

Bruce Nemcek asked if the five (5) year recertification is a Kirkwood Town requirement. Chairman Travis said yes it is a Kirkwood requirement. Attorney, Nathan VanWhy stated it is Kirkwood but it is not uncommon to see this in all local laws. It is an opportunity to bring them back to review the any danger. Just to remind everyone here, this is under section 918 of the Town code which has eight (8) requirements and one of those requirements is the recertification from an engineer every five (5) years.

Chairman Travis asked the board if anyone had any further questions.

Hearing none, Chairman Travis asked for a motion to accept or reject the recertification of a Tower Special Use Permit for American Towers L.P. as submitted.

Motion by Ed Egan and second by Bruce Nemcek to accept the recertification of a Tower Special Use Permit. for American Towers L.P. as submitted.

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|-----------------|--------------|-----|
| Roll Call Vote: | Mike Maciak  | Yes |
|                 | Ed Egan      | Yes |
|                 | Bruce Nemcek | Yes |
|                 | Duane Travis | Yes |

Motion carried.

**OTHER BUSINESS:**

Hearing no other business or comments, Chairman Travis asked for a motion to adjourn.

Motion by Ed Egan and second by Mike Maciak to adjourn the meeting. The meeting was adjourned at 7:12pm.

Respectfully Submitted,

Lori A Garvey, Secretary  
Zoning Board of Appeals

cc: Zoning Board Members  
Gayle Diffendorf  
Linda Yonchuck  
Code Department  
DanGriffiths  
Oliver Blaise III  
Nathan Van Why