



TOWN OF COLONIE

Zoning Board of Appeals
Public Operations Center
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James Campbell
Chairman

Michael J. Garry
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FILED

JUL 21 2020

Julie L. Gansle
Colonie Town Clerk

SPECIAL USE PERMIT FOR TELECOMMUNICATIONS FACILITIES

ZBA 20-017

IN THE MATTER OF: Special Use Permit Application for Celco Partnership d/b/a Verizon Wireless

David C. Brennan, Esq., Young/Summer LLC. applied to the Zoning Board of Appeals for a Special Use Permit for the premises located at 396 Watervliet Shaker Road for:

The application of Celco Partnership d/b/a Verizon Wireless proposes the construction of an unmanned public utility/personal wireless service facility (a communications facility) at 396 Watervliet Shaker Road. The construction of a 74± ft. monopine tower (79± ft. when including simulated pine branches) to support wireless antennas of Verizon Wireless and future collocation by additional wireless carriers, together with all associated antennas, equipment cabinets, access/utilities and other appurtenances secured within a 57'5± ft. x 44± ft. fenced compound. The parcel is located in a Single Family Residential (SFR) Zoning District is approved for a Wireless Telecommunications Special Use Permit (WTSUP) to the Zoning Board of Appeals as required under the Town of Colonie Land Use Law, Section 189-5A.

Whereas, said Board, on the 25th day of June, 2020, and after due notice, held a public hearing on said application, at which hearing any and all persons interested in said application were given an opportunity to appear and be heard thereon; and

Whereas, said Board has examined the application in relation to the circumstances and conditions affecting said property and those applying in the neighborhood of the same;

Now, Therefore, Be it Resolved, BASED ON THE ENTIRE RECORD BEFORE THE BOARD, THE REQUESTED APPLICATION IS:

APPROVED APPROVED IN PART CONDITIONALLY APPROVED DENIED

CONDITIONS:

- 1) Per § 189-7(B) (8) the Licensed Professional Engineer seal on the construction drawings appear to be a digitally generated seal. The Engineer needs to sign each page and resubmit.
- 2) Per § 189-7(C) (3) the applicant will provide the lease amendment stating the new location.
- 3) Per § 189-18 of Local Law #12 of 2009 applicant will provide the Town with the required Performance Security/Removal Bond in the amount of \$75,000.
- 4) Per § 189-20 of Local Law #12 of 2009 applicant shall provide the Town with proof that it has the required insurance.
- 5) Per § 189-25 of Local Law #12 of 2009 applicant is requesting relief for the timing of § 189-7-(C)(11), § 189-7-(C)(12), § 189-7-(C)(17) and § 189-7-(C)(19) of Local Law #12 of 2009 related to the structural analysis including the geotechnical subsurface soils investigation and foundation recommendation. The applicant shall provide the Town with the complete structural analysis.

- 6) Applicant shall have sufficient funds in the escrow account with the Town, to pay all expenses related to the application review, inspections and the issuance of permits and Certificate of Compliance.

NOTE: Unless otherwise specified, any decision of the Zoning Board of Appeals shall expire and become null and void one year after the filing of such decision if the applicant has not exercised such authorized activity within such period. Issuance of a building permit in accordance with, and within one year of, such decision, shall be deemed prima facie evidence that such activity has been exercised. ZBA Rules and Procedures Article 8.6.

Certificate

I, James Campbell, Chairman of the Zoning Board of Appeals of the Town of Colonie, do hereby certify that the foregoing is a true copy of a decision of the Zoning Board of Appeals made at a meeting thereof duly called and held on the 25th day of June, 2020.

Date: 7/16, 2020



James Campbell, Chairman
Zoning Board of Appeals