

Dick

Zoning Board of Appeals Agenda

April 1st, 2025 @ 7:00 PM

Appeal #19SUP-25:

SBA Communications – Cell Tower Addition – 2544 Havens Corners Road

Appeal # 32AV-25:

Alvin Shirk – 1727 Bellona Station Road – Build a house behind existing barn.

Appeal # 38AV-25:

Smokin Petes Adventures – Route 14 Between 91 Emerson & 93 Locust Grove
Would like to place a 14x40 Pre Made shed on a 33 foot wide lake lot.

TOWN OF BENTON
BUILDING AND ZONING APPLICATION

1000 SR 14A, PENN YAN, NY 14527
585-329-6904 315-536-9600
FAX 315-536-7715
E-MAIL: zoning@townofbenton.us

Name of Applicant Rick Woods / SBA Communications Date: 2/24/25
Address 134 FLANDERS RD Westboro, MA 01581 Phone: 508-614-0389
Property Owner (if not same) _____
Address _____ Phone: _____

APPLICATION IS BEING MADE FOR:

Building Permit Variance/Special Use ** _____ Septic System Permit**
_____ Site Plan ** _____ Subdivision** _____ Other (** Add'l Forms)

On Land Located at _____ (Same) or 2544 HAVENS CORNERS RD PENN YAN, NY
Zoning District AR-1 Tax Map # 27.01-1-5.11

Present Use of Property Cell Tower

Description of Proposed Improvements and/or Use: Adding 4 antennas and ancillary equipment on existing cell tower - Change to SUP

Size of Improvement _____ Sq. Ft. Estimated Cost: \$ 35,000

Type of Construction: Wood _____, Metal _____, Masonry _____, Other X Cell Tower

Height: In Stories _____, In Feet _____

Yard Setback: Front _____, Rear _____

Side (Widest) _____, Side (Narrowest) _____

Signature: [Signature], Date: 2/24/25

Approved _____ Not Approved _____ Variance Requested _____

Variance Granted: Yes _____ No _____ Date: _____

Permit # 19SUP-25 Fee \$ 150-

Code Enforcement Officer [Signature] Date: 2-28-25

Contractor Name: _____ Phone: _____

Address: _____ E-Mail address: _____

Insurance: Workman's Comp. Liability Exemption Form

*Contractor/Owner agrees to comply with all New York State and Local Codes and Laws.
Contractor/Owner agrees to call for all inspections as required.*

TOWN OF BENTON

PLANNING BOARD - ZONING BOARD OF APPEALS APPLICATION

Application No. 19SUP-25 Date 2-28-25 Fee 150.-

Name: Rick Woods - SBA phone 508-614-0389

Address: _____ email _____

Applicant is applying for the following:

- | | |
|--------------------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Interpretation |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Special Use Permit | <input type="checkbox"/> Site Plan Review |

Other _____

Location of Property 2344 Havens Cr Rd

Tax Map No. 27.01-1-5.11 Zoning District AR-1

Describe Action requested:

Change to SUP- to Add 4 antennas to Cell Tower

Area Variance Information:

	Required	Actual	Variance Request
Frontage:	_____	_____	_____
Front Setback:	_____	_____	_____
Side Setback:	_____	_____	_____
Rear Setback:	_____	_____	_____
Lot Size:	_____	_____	_____

Attached to this application is the following documentation:

Site Plan Construction Plans SEQR Other _____

Property Owner _____ Telephone _____
Address _____

Signature _____ Date _____

ELIGIBLE FACILITIES REQUEST (EFR) APPLICATION FORM

Date of Submittal: 2/24/2025

Submitted by:

Name: Rick Woods

Title: Senior Manager, Site Development Services

Contact Information: (508) 614-0389

rwoods@sbsite.com

Name of Jurisdiction: Town of Benton

Address of Jurisdiction: 1000 Route 14A Penn Yan, NY 14527

Contact Name for Jurisdiction: Tom Fulkrod

Name of Local Government Permit Application: Town of Benton Zoning and Code Enforcement

Local Government File #: TBD

Street Address of Site: 2544 Havens Corners Road Penn Yan, NY 14527

Tax Parcel # of Site: 27.01-1-5.11

Latitude/Longitude of Site: LAT: 42.7191 LONG: -77.0769

List Each Piece of Transmission Equipment that will be Collocated or Added:

- (4) Ericsson 840590966 antennas
- (3) 6x24 hybrid cables
- (4) Ericsson 4460 B25+B66 RRUs (ground based)
- (4) Ericsson 4480 B71+B85 RRUs (ground based)


List Cabinets that will be Collocated or Added at the Site:

- (1) Ericsson 6160 Equipment Cabinet
- (1) Ericsson B160 Battery Cabinet
- (1) Slackbox – Hoffman
- (1) Generac Diesel Generator

SITE PLAN, please draw site plan showing all roads, setbacks from right of ways and lot lines, driveways, existing and proposed structures and features (houses, garages, barns Sheds, septics, wells, streams, lakes) and north arrow.

SETBACKS TAKEN FROM CENTER OF ROAD: TOWN (25'), COUNTY (33' OR MORE) AND STATE (33' OR MORE)
ZONING DISTRICTS HAVE DIFFERENT FRONT, SIDE AND REAR SETBACKS. CONSULT WITH CODE
ENFORCEMENT BEFORE START OF ANY WORK OR PLAN.

The undersigned agrees that to the best of their knowledge and belief the statements contained in this application, together with any plans and specifications submitted herein, are a true and complete statement of all proposed work or use to be done on the described premises. All provisions of the NYS Fire Prevention and Building Code, the Town of Benton Zoning Law, and all other laws, rules and regulations pertaining to the proposed work or use shall be complied with, whether specified or not, and that such work or use is authorized by the owner. The undersigned understands that the granting of any permit shall not be construed as adoption by the Town of Benton of any plans, specifications or construction methods of permittee and the granting of any permit shall create no liability on the part of the Town. The undersigned hereby grants permission for the Code Enforcement Officer to enter the property and structure, as he deems necessary to inspect the same for compliance with applicable Codes and Laws.

OWNER SIGNATURE  DATE 2/24/25

CODE ENFORCEMENT OFFICER _____ DATE _____



**ELIGIBLE FACILITIES REQUEST CERTIFICATION FOR
NON-SUBSTANTIAL CHANGES TO AN EXISTING BASE STATION**

Site Address: 2544 Havens Corners Road Penn Yan, NY 14527

Existing Facilities

Identify the FCC licensed or authorized wireless equipment that is already located on the existing Base Station at the time this Eligible Facilities Request is filed. (For example, an existing T-Mobile cell site located on rooftop or Verizon antennas side mounted on building exterior, etc.)

Existing monopole cell site.

Height of Base Station

Height above ground level of the tallest point on the existing base station:

249' (feet)

Height above ground level of the tallest point of the existing base station after the installation of the *proposed* equipment:

249' (feet)

- 1) Does the height above ground level of the proposed equipment exceed the height of the tallest point on the existing base station by more than 10 percent (10%) or ten (10) feet, whichever is greater?
 Yes No

Width of Base Station

- 2) Will any of the proposed equipment protrude from the edge of the support structure by more than six (6) feet?
 Yes No

Excavation or Equipment Placement

- 3) Will the proposed changes in Transmission Equipment involve excavation or placement of new equipment outside the existing Base Station site or outside any access or utility easements currently related to the site?
 Yes No

Equipment Cabinets

- 4) Will the proposed modification in Transmission Equipment involve installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four?
 Yes No

Concealed or Stealth-Designed Wireless Facilities

- 5) a) Is the existing wireless facility concealed or stealth-designed?
 Yes No



b) If the answer to 5a) is "Yes," will the proposed modification in Transmission Equipment defeat the existing concealed or stealth-design?
 Yes No

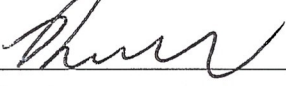
Compliance with Preexisting Conditions of Approval for the Base Station

6) a) Were there any conditions of approval stated in the original government approval of the Base Station?
 Yes No

b) Will the proposed modification in Transmission Equipment comply with conditions of approval imposed on the Base Station prior to February 22, 2012?
 Yes No

c) If the answer to 6b) is "No," is the non-compliance due solely to any of the conditions addressed in Questions 1-5 above?
 Yes No

This certification is dated this 24th day of February, 2025



Signature

Rick Woods, Senior Manager, Site Development Services

Name & Title

"Base Station" means the equipment and non-tower supporting structure at a fixed location that allow Commission-licensed or authorized wireless communications between user equipment and a communications network. The term base station includes any equipment associated with wireless communications services, including but not limited to, radio transceivers, antennas, coaxial or fiber-optic cables, regular or back-up power supply, and comparable equipment. The

term existing base station also includes a structure that currently houses or supports an antenna, transceiver or other associated equipment that constitutes part of a base station at the time the application is filed, even if the structure

Was not built solely or primarily to provide such support. "Base Station" includes the relevant equipment in any technological configuration, including small cells and DAS. Remember "Base Station" has two separate meanings: (1) the supporting structure that houses FCC licensed or authorized wireless equipment; and (2) the wireless equipment itself. Keep this distinction in mind when calculating a substantial change in physical dimensions.

“Transmission Equipment” means any equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and back-up power supply. This definition includes equipment used in any technological configuration associated with any Commission-authorized wireless transmission, licensed or unlicensed, terrestrial or satellite, including commercial mobile, private mobile, broadcast and public safety services, as well as fixed wireless services such as microwave backhaul or fixed broadband.

“Collocation” means the addition, removal or replacement of Transmission Equipment to an existing tower or base station. This means that the existing support structure, be it a tower or a building or some other structure, must presently support FCC licensed or authorized wireless facilities. The FCC further requires that the site (tower, building, or other structure) was previously approved by the appropriate agency of government to house wireless facilities. Illegal wireless installations cannot be the basis for an Eligible Facilities Request. However, if a communication Tower was erected at a time when it was exempt from zoning, the Tower can be modified through the Eligible Facilities Request process even if the Tower is no longer exempt from zoning.

TOWN OF BENTON

PLANNING BOARD - ZONING BOARD OF APPEALS APPLICATION

Application No. 32 AV-25 Date 3-17-25 Fee 150.-

Name: Alvin B. Shick phone _____

Address: 1727 Bellona St Rd email _____

Applicant is applying for the following:

- | | |
|---------------------------------------------------|------------------------------------------------|
| <input checked="" type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Interpretation |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Site Plan Review |

Other _____

Location of Property 1727 Bellona St

Tax Map No. 8,04-1-13.1 Zoning District AR-1

Describe Action requested:

Build House Behind existing Barn

Area Variance Information:

	Required	Actual	Variance Request
Frontage:	_____	_____	_____
Front Setback:	_____	_____	_____
Side Setback:	_____	_____	_____
Rear Setback:	_____	_____	_____
Lot Size:	_____	_____	_____

Attached to this application is the following documentation:

Site Plan Construction Plans SEQR Other _____

Property Owner Same Telephone _____
Address _____

Signature _____ Date _____

TOWN OF BENTON
BUILDING AND ZONING APPLICATION

1000 SR 14A, PENN YAN, NY 14527
Cell (315) 719-3232 Office 315-536-9600
FAX 315-536-7715
E-MAIL: zoning@townofbenton.us

Name of Applicant Alvin B Shirk Date: 3-17-25
Address _____ Phone: _____
Property Owner (if not same) _____
Address _____ Phone: _____

APPLICATION IS BEING MADE FOR:

Building Permit Variance/Special Use** Septic System Permit**
 Site Plan ** Subdivision** Other (** Add'l Forms)

On Land Located at 1727 Bellone St (Same) or _____
Zoning District AR-1 Tax Map # 804-1-13.1

Present Use of Property Farm Land

Description of Proposed Improvements and/or Use: Build a New House

Size of Improvement _____ Sq. Ft. Estimated Cost: _____

Type of Construction: Wood _____, Metal _____, Masonry _____, Other _____

Height: In Stories _____, In Feet _____

Yard Setback: Front _____, Rear _____

Side (Widest) _____, Side (Narrowest) _____

Signature: _____, Date: _____

Approved _____ Not Approved _____ Variance Requested _____

Variance Granted: Yes _____ No _____ Date: _____

Permit # 32AV-25 Fee \$ 150.-

Code Enforcement Officer Steven Wilson Date: 3-17-25

Contractor Name: _____ Phone: _____
Address: _____ E-Mail address: _____

Insurance: Workman's Comp. Liability Exemption Form

*Contractor/Owner agrees to comply with all New York State and Local Codes and Laws.
Contractor/Owner agrees to call for all inspections as required.*

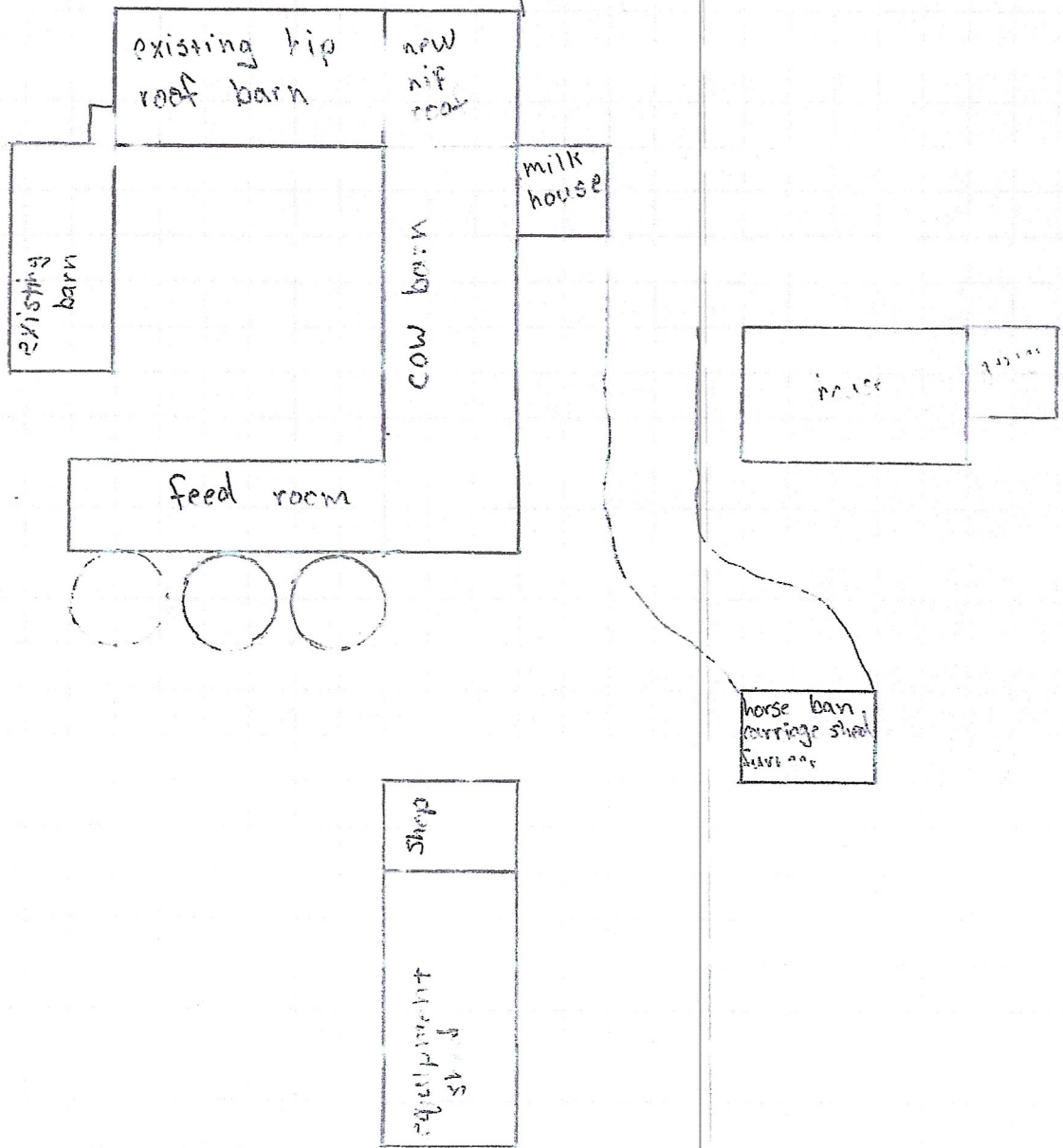
- Carbon
- Stainless Steel
- Aluminum
- Structural
- Plate
- Sheet
- Bar Stock & Alloys
- Tubing & Pipe
- Grating & Fiberglass

- Laser
- Waterjet
- Shearing
- Sawing & Miter Cutting
- High-Speed Mill & Drill Line
- Plate Burning; High-Def Plasma & Oxy Plate Cutting
- Component Manufacturing & Kitting

1115's house

N

Bellona Station Rd
set Back



House Number



map: Auto (Mosaic) Apr 2023 - Apr 2023 04/06/2023 - 04/14/2023

2023 EagleView

TOWN OF BENTON

PLANNING BOARD - ZONING BOARD OF APPEALS APPLICATION

Application No. 38 AV-25 Date 3-17-25 Fee 150.-

Name: Smokin Petes Adventures phone 1-585-955-3171

Address: SR 14 email _____

Applicant is applying for the following:

- | | |
|---------------------------------------------------|------------------------------------------------|
| <input checked="" type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Interpretation |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Site Plan Review |

Other _____

Location of Property SR 14 Between 91 Emerson - 93 Locust

Tax Map No. 9.41-1-7 Zoning District LR

Describe Action requested:

Would like to place a 14x40 Pre Made Shed
on to steel P-llers on a 33 foot wide Lake Lot

Area Variance Information:

	Required	Actual	Variance Request
Frontage:	_____	_____	_____
Front Setback:	_____	_____	_____
Side Setback:	_____	_____	_____
Rear Setback:	_____	_____	_____
Lot Size:	_____	_____	_____

Attached to this application is the following documentation:

Site Plan Construction Plans SEQR Other _____

Property Owner _____ Telephone _____
Address _____

Signature _____ Date _____



map: Auto (Mosaic) Apr 2023 - Apr 2023 04/06/2023 - 04/14/2023

TOWN OF BENTON
BUILDING AND ZONING APPLICATION

1000 SR 14A, PENN YAN, NY 14527
Cell (315) 719-3232 Office 315-536-9600
FAX 315-536-7715

E-MAIL: zoning@townofbenton.us

Name of Applicant Smokin Petes Adventures Date: 3-17-25
Address SR 14 Phone: _____
Property Owner (if not same) _____
Address _____ Phone: _____

APPLICATION IS BEING MADE FOR:

_____ Building Permit Variance/Special Use ** _____ Septic System Permit**
_____ Site Plan ** _____ Subdivision** _____ Other (** Add'l Forms)

On Land Located at SR 14 (Same) or _____

Zoning District LR Tax Map # 9.41-1-7

Present Use of Property Vacant Lot

Description of Proposed Improvements and/or Use: Wants to Build a 14x40 Building

Size of Improvement _____ Sq. Ft. Estimated Cost: _____

Type of Construction: Wood _____, Metal _____, Masonry _____, Other _____

Height: In Stories _____, In Feet _____

Yard Setback: Front _____, Rear _____

Side (Widest) _____, Side (Narrowest) _____

Signature: _____, Date: _____

Approved _____ Not Approved _____ Variance Requested _____

Variance Granted: Yes _____ No _____ Date: _____

Permit # 38 AV-23 Fee \$ 150-

Code Enforcement Officer: Thomas W. [Signature] Date: 3-17-25

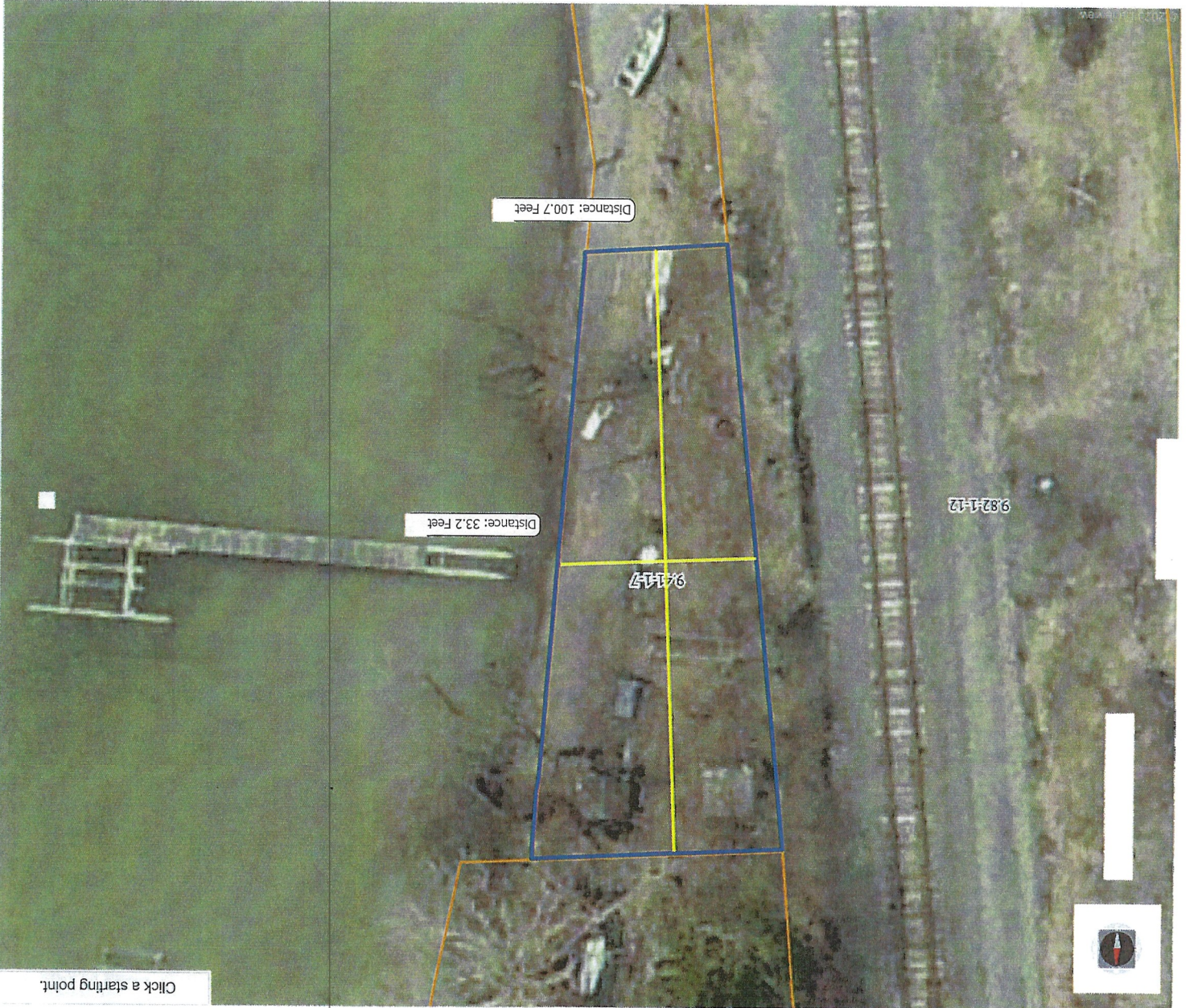
Contractor Name: _____ Phone: _____

Address: _____ E-Mail address: _____

Insurance: Workman's Comp. Liability Exemption Form

Contractor/Owner agrees to comply with all New York State and Local Codes and Laws.

Contractor/Owner agrees to call for all inspections as required.



map: Auto (Mosaic) Apr 2023 - Apr 2023 04/06/2023 - 04/14/2023