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CONTACT:

Cara Birrittieri
Mayor, Village of Lakewood
716-763-8557

Joseph Johnson
Clerk, Village of Lakewood
716-763-8557

LAKEWOOD ZONING BOARD DENIES VARIANCE FOR CELL TOWER

LAKEWOOD – After months of fact finding and several public hearings, the Village of Lakewood Zoning Board of Appeals has determined that a 180 foot cell tower is not a good fit for a residential district in the community. At a special meeting held on February 23, members of the ZBA voted against granting a use variance to Up State Tower and Blue Wireless. The vote was four to one. The ZBA cited several reasons for the denial in accordance with state law, which states that an applicant for a use variance for this type of structure must demonstrate that the height and location is necessary to cover gaps in their service area, and that the proposal is a minimal intrusion or burden on the community.

The Board found the structure would have an adverse aesthetic impact on the use of surrounding recreational lands, which are currently being used and further developed as baseball fields, nature trails, and other recreational facilities. Members of the ZBA noted that such a tower would be inconsistent with the village's own policies as stated in the newly adopted 2017 Comprehensive Plan, and previously adopted New York State Local Waterfront Revitalization Program (LWRP).

In addition, the board found that Up State Tower and Blue Wireless: failed to show significant coverage gaps that are not covered by existing business relationships; suggested the tower was necessary per license requirement while the board later found the license requirements had been met; refused to provide data at lower heights; and refused to consider a variety of requests including a potential alternate site.

During the Board of Trustees regular meeting held on Monday February 27, Mayor Cara Birrittieri commended the ZBA for its dedication to the village, "This was an extremely complicated and arduous process, however, with the skilled guidance of both our Village Attorney John LaMancuso, and special counsel, Rich Stanton, along with Deputy Chair Myra Blasius, the ZBA followed the law and arrived at a decision."

Birrittieri acknowledged the commitment of the board, "Many members of the ZBA spent countless hours reviewing volumes of documents that were important to the application. This decision was not arrived at lightly, however, it was arrived at carefully. This board (of trustees) and the citizens of this village are fortunate to have such dedicated servants in this community."

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