



# TOWN OF SAUGERTIES

## ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477  
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**March 2, 2020**  
**Meeting Minutes**

**Present:** Patti Kelly, Joe Mayone, Tim Scott & Holly Strutt, Alternate

**Absent:** Jeanne Goldberg and Henry Rua

**Also Present:** Paul Andreassen: Town Board Liaison, Alvah Weeks: Town Building Inspector, George Redder, ZBA Attorney, Dan Shuster, Town Planner, Kevin Freeman: Zoning Board Secretary

- Patti called the meeting to order at 7:00pm, followed by the Pledge of Allegiance
- Patti asked Alternate Holly Strutt if she would join the board. Holly accepted the designation.

### **Old Business:**

**Tarpon Towers II, LLC & Verizon Wireless**  
**RE: Mount Marion Fire Department**  
**766 Kings Highway**  
**Mt. Marion, NY 12456**  
**File #: 19-0006**  
**File #: 19-0007**  
**SBL #: 28.4-11-13.100**

Scott Olson, Esq. representing Tarpon/Verizon presented

- This property is zoned Residential Hamlet.
- Applicants want to install a new commercial tower/wireless facility on the property of the Mt. Marion Fire House.
- This applicant is asking for a Use Variance as the initial request was denied by the Town Building Inspector. A 120' mono pole commercial telecommunication facility is not a permitted use in a Residential Hamlet, according to the Town Zoning Law.
- The applicant has applied for an Area Variance of 12' for the front yard, 40' for the side yard and 165' for the rear yard.
- The appeal states that due to the configuration of the property the tower is not able to meet the 186' setback required. The proposed tower location is 174' from the front property line; 159' from the side property line; and 19' from the rear property line.

- Patti introduced Mr Olson who represents Tarpon Towers / Verizon
- Mr Olson spoke to the ZBA technical questions raised in January, 2020. Understood the Area Variance because of the height of tower and the Use Variance because the proposed tower is not in the Industrial Zone.
- Patti indicated that ZBA members had been to the site but was not able to identify where all components will be situated.
- Olson displayed maps and indicated the lease area in question.
- Patti asked for further clarification at the physical site and Mr Olson replied that he will request the exact area to be staked out. He also indicated that the DEC would be involved with any wetland concerns.
- Patti indicated that the lease did not specifically spell out the emergency services would have use of the equipment at no cost. Olson said that came up after the lease was signed and referenced the meeting with Town Supervisor in January. Explained it would be honored but was not a ZBA issue. He would talk with the client but didn't expect it to be an issue.
- Patti indicated the setback variance requests were unusually large and cited several catastrophic tower failures of the past, chiefly from ice and winds. She asked if the public would be indemnified in case of accident.
- Mr Olson replied that indemnification would be between the parties and not involve the municipality.
- Patti reminded that any balloon tests needed to be performed before the spring foliage. There could be no SEQR without it. Mr Olson indicated they were aiming for the 3<sup>rd</sup> week of April at the latest and would notify the town and other concerned entities.
- Dan Shuster asked about the topographical concerns for the balloon test, needing a reference balance test similar to Rochester.
- Patti asked that the training center be more clearly defined on the maps.
- Mr Olson introduced a Verizon engineer, Mr Crosby.
- Patti reminded Mr Crosby that there was a written false assertion that the ZBA had suggested the site of the Mt Marion firehouse.
- Mr Crosby said that such information did not influence any decision to choose the site.
- Patti asked about the circle of alternatives. Why was the search limited to ¼ mile and why was the Industrial Zone not considered?
- Mr Crosby said that the Churchland application was for a larger macro tower but the followup was for alternate coverage and capacity issues and smaller locations are the model moving forward.
- Patti inquired about the choice.
- Mr Crosby replied that they originally wanted to use the firehouse's existing tower, but it was not structurally sound.
- Patti asked if there will be a request for more, smaller towers in the future and Mr Crosby indicated that the trend was for smaller which would have the benefit of avoiding zoning issues.
- Patti asked again why the Industrial Zone was not considered.

- Mr Crosby said that with smaller towers, precise placement is necessary and moving even ¼ mile would have impact.
- Joe asked what areas were next in consideration and Mr Crosby replied they were looking at locations to the North.
- Patti asked if the criteria for capacity was being data driven. Mr Crosby indicated the mandate was for both voice and data – Both are the same capacity issues tied to the available frequencies. Capacity layers don't propagate when overcapacity. Signal is degraded by distance and the angle, specifically from the Industrial Zone.
- Patti asked if a larger 150' tower, similar to Churchland, were feasible in the Industrial Zone.
- Mr Crosby repeated that the system is hundreds of percent overutilized.
- Patti asked if the proposed tower be used to offload Kingston's capacity.
- Mr Crosby said Kingston would be serving Saugerties, not the other way around.
- Patti was worried that the small tower would have capacity used up quickly. Mr Crosby said that the 1990 Kingston tower was built using a different paradigm.
- Jo asked about the other locations. Mr Crosby said they couldn't share that information yet, but all were smaller.
- Dan asked why the search area was a perfect circle. Mr Crosby explained it was the current design methodology.
- Dan asked if latitude was taken into consideration for the search ring.
- Mr Crosby said that with smaller rings it is not possible to shift like they could using the 700MHz or 850MHz technology. The 2GHz is more precise.
- Patti asked for clarification on the maps for areas without coverage, including the Db designation. Mr Crosby indicated the red and yellow areas that are over capacity and indicated the low reception areas.
- Patti referenced P15 of the proposal saying that the overlap between Kingston and Saugerties still doesn't seem to cover Mt Marion. She also pointed out that the map on P16 showed yellow signal coverage everywhere. Mr Crosby replied that P16 shows actual signal strengths. The target is 105Db.
- Patti said that P17 indicated all green. Mr Crosby said it demonstrated good in-building coverage.
- Patti said to look to the east of the maps and it indicated a lot of white, dead spots in area.
- Mr Crosby said that there are terrain issues to overcome and there are future plans.
- Holly asked why the lower frequencies were over capacity and why was that a consideration.
- Mr Crosby explained it was to 'densify' the network.
- Patti asked again about consideration of the Industrial Zone. Mr Crosby replied that the comparison plots were found to be lacking coverage.
- Patti reminded the applicants that the board wanted to support the fire department. The setbacks are an issue and there are potential opportunities within the Industrial Zone, but the needs of the fire department are very much on the mind of the ZBA.
- Mr Olson reiterated the setback requests.

- Dan asked if Mr Crosby has an opportunity to review Mr Graaf's letter. Mr Crosby said he had just seen it this evening, but that Graff seemed to be generally in agreement. The issue is on land use instead of RF issues.
- Patti disagreed with the ¼ mile radius search and questioned the height analysis. Were other heights considered?
- Dan asked Verizon to provide a response to the search ring questions.
- Joe asked for a timeline.
- Patti requested the information about the balloon tests and that the property be staked and marked for ZBA review. Mr Olson said he would do so and would inform the ZBA and town.

**NEW BUSINESS:**

8:10pm Mr Schuman was called

**Robert Schuman**  
**3185 Rt 9W**  
**Saugerties, NY 12477**  
**File #: 20-0001**  
**SBL #: 29.5-1-11.310**

- This property is zoned General Business / Gateway Overlay
- The applicant wishes to construct 60' x 28' storage building
- General Business / Gateway Overlay requires a 50ft back yard. The building will come within 37ft of back property line
- The applicant is asking for an Area Variance of 13ft

Mr Schuman was handed a packet for 500' notifications.

Patti reminded Mr Schuman that since the property was on Ulster County Rt 9W, the county would need to be informed

Motion for Public Hearing was made by Joe, seconded by Tim. Passed unanimously.

8:15pm Mr Bilheimer was called

**Steven Bilheimer**  
**3646 Rt 32**  
**Saugerties, NY 12477**  
**File #: 20-0002**  
**SBL #: 8.2-5-26**

- This property is zoned Low Density Residential
- The applicant wishes to construct 24' x 28' attached garage
- Required setback is 30'. The building will come within 28' of side property line
- The applicant is asking for an Area Variance of 2'

Mr Bilheimer indicated he purchased the home in July and was seeking a small variance.

Mr Bilheimer was handed a packet for 500' notifications.

Motion for Public Hearing was made by Joe, seconded by Tim. Passed unanimously.

8:20pm GNS Group was called

**GNS Group Ltd/777 J&M Corp (Verizon Store)**

**338 Rt 212**

**Saugerties, NY 12477**

**File #: 20-0003**

**SBL #: 17.16-2-26**

- The applicant wishes to add a second sign to the store
- Application was denied per Sub Section 245-21 "Signs", B "General Sign Regulations"
- The applicant will be resubmitting for an interpretation, not a Use Variance to allow sign larger than six square feet.

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Ms Nancy Forest was present for GNS Group asking for an Interpretation.

Patti spoke to a larger monument sign which would be permissible, but a wall sign would not be.

Ms Forest would relay the information to her client and refused the 500' packet for public hearing.

8:25pm Ms Kurdiani was called. She was represented by Scott Roeber

**Irina Kurdiani**

**78 Fierro Road**

**Saugerties, NY 12477**

**File #: 20-0004**

**SBL #: 18.10-2-13**

- The applicant wishes to add a rear deck and stairway to house.
- The applicant is asking for an Area Variance of 19' 9" for the deck.
- The applicant is asking for an Area Variance of 9' for the stairway.

Motion for Public Hearing was made by Tim, seconded by Holly. Passed unanimously.

**Discussion:**

- Holly asked if the ZBA could ask Verizon for a new coverage map.
- December minutes were voted on and approved. Joe moved to accept with Tim seconding. Motion passed unanimously

- It was decided not to set SEQR until Jeanne returned before setting a public hearing for Verizon.
- Tim motioned to adjourn the meeting in memory of Joseph Roberti. Joe seconded. Motion passed unanimously.
- Meeting adjourned at 8:45pm

Respectfully Submitted,  
Kevin Freeman  
ZBA Secretary