



**TOWN OF SAUGERTIES
ZONING BOARD OF APPEALS**

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**December 7, 2020
WebEx Meeting Minutes**

Present: Jeanne Goldberg, Henry Rua, Patti Kelly, Joe Mayone, Tim Scott & Holly Strutt, Alternate
Also Present: George Redder: ZBA Attorney, Dan Shuster: ZBA Planner, Dennis Doyle: Director, Ulster County Planning Department, Ed Wright, Eric Kenna, Jim Dickens, Steve Peterson; CSN Consultants, Kevin Freeman: Zoning Board Secretary

- Jeanne called the meeting to order at 7:09 pm.
- Jeanne took roll call of ZBA members and, with full attendance, announced a quorum was reached.

Public Hearing:

Ulster County Public Safety Radio Tower
35 Quarry Road, Saugerties
Dennis Doyle, Ulster County Planning Board, Presenter

Proposal by Ulster County to construct a Public Safety Radio Tower at 35 Quarry Road in Saugerties. The County is seeking a determination under the Monroe Balance of public interest test for this facility. This is appealed to the ZBA under Section 245-38 "Public Projects and Improvements" of the Town of Saugerties Zoning Law.

The only item on the agenda was the proposed Ulster County Public Safety Radio Tower at 35 Quarry Road, Saugerties.

Jeanne noted the hearing was not the usual appellate function of the ZBA but is original jurisdiction under Section 245-38 Public Properties and improvements.

Property is within the town of Saugerties but owned by Ulster County. Application is under the Monroe balance of public interest test.

Presentation by Mr. Doyle was up next. Jeanne asked that the public reserve their questions and comments for after Mr. Doyle is allowed to speak.

Patti asked if the presentation would be about new information requested at the last meeting.

Mr. Doyle said new information would be presented especially in leaf-on vs leaf-off visibility.

First slide showed an overview. He outlined the project need for replacement of the old analog system. 35 Quarry Road addresses a critical coverage shortcoming. He demonstrated the environmental and design credentials for the tower.

The viewshed analysis displayed the historic properties. At request they added in calculations for topography, simulating 40' vegetation. He showed an aerial view to give context for the drone footage to come.

He displayed drone photos shot from 180' from different orientations differentiated between leaf-on circumstances and another set from November 6th, 2020. Patti asked about the simulation. Mr. Doyle responded that the tower would be directly under the drone. Mr. Doyle asked for any questions. Mr. Anthony Kordich said his house on Church Road would see over 90% of the tower. His property is 850' away.

Mr. Doyle showed a zoomed in slide of Church Road properties. Mr. Doyle showed a simulation of the tower from the Blue Flame Tavern July 18th, 2020 as well as Old Route 32. There was another simulation from public access area at the end of Church Road.

Mr. Kordich said that he had welcomed Mr. Doyle's team to come onto his property to run simulations. Mr. Doyle said he did not want to trespass and was not aware of Mr. Kordich's offer. Jeanne asked that the public wait for the comment time later in the hearing.

Henry said the best reference would be to run simulations from each house if possible. People don't relate to drone views or balloons. Mr. Doyle said that DEC guidelines said simulations were dictated to be run from sensitive areas showing a magnitude of impact.

Mr. Doyle then displayed schematics of the design and location of the proposed tower. He then displayed the 9 criteria for the balance of public interest test.

Jeanne said that people could see part of the tower. She asked for clarification on what part of the tower would be visible. Jeanne said that leaf-off conditions could be up to 6 months. She asked if notices were posted in the paper for the July balloon test. Mr. Doyle said it was an advertisement, not a legal notice. Jeanne said asking for a balloon test now would be weather contingent.

Jeanne said the ZBA understands the need for the tower and the needs of the residents. Jeanne asked if the County owned 22 acres. Mr. Doyle was unsure of the exact acreage.

Dan Schuster was asked to define the Monroe's Decision as it applies to the present application. He said that the Saugerties Zoning laws of 2008 actually specified that the ZBA would make Monroe determinations.

Jeanne asked how many other towers does Ulster County own, are they on owned land and do they have commercial application. Mr. Doyle asked Steve Peterson to answer: The county operates towers in Kingston, Sam's Point, Conchy in the Town of Olive. They lease in Highland, Woodstock and Belaire. Kingston has cell communication as does Sam's Point but not on the leased tower sites. Jeanne asked if that was a total of 6. Mr. Peterson said there was an additional tower in Marlborough. Jeanne said that it was her understanding that there were no plans for cell antennae on the Saugerties tower. Mr. Peterson said there were no plans and if it came up in the future it would have to come up before the board as a use variance and probably not pass.

Jeanne asked the difference between a public safety radio tower and a cell tower. Mr. Peterson responded. Mr. Doyle added that many times commercial communication towers offer services to first responders. Henry asked if the county could be open to allowing cell equipment on the tower. Jeanne asked Mr. Peterson how tall the other county towers are. He answered between 150' and 180'.

Joe asked if there were other locations that could be used for communication facilities. Mr. Doyle said there were no zones where this type of tower would be allowed as it is not a commercial tower.

Jeanne moved to public comment and referenced an email sent by a Randy Ricks from the Centreville fire department. Chief Mullen spoke about how the tower affects their daily operations. Henry asked the chief how this tower would be different from Mt Marion where that Fire Department says they need cell service. The Chief said the emergency tower was of utmost importance, but their in-car computers use cell communication. Henry understood the need for the radio tower. Chief Sasso of the Glasco Fire Department spoke also about the importance of cell communication. 8 years ago Chief Sasso has been aware of almost no emergency communication systems. Jeanne spoke for the board to say they appreciate the services of all first responders. She then opened up the hearing to the public.

Mr. Kordich stated he lives at 66 Church Road, the closest property to the tower at 840 feet. He objected to the tower according to the Monroe criteria, specifically line 5 saying the alternate sites were not in consideration. At the 10/20 meeting he understood the tower would have negative impact on local interests, specifically the lights. He said he has a documented medical condition regarding flashing lights, placing his health at risk at night. He went on to show pictures of the balloons from his location during leaf-on conditions.

Mr. Harrison said he has never heard about alternate locations for the tower. He referred to the Mt Airy where there is an existing tower.

Jim Dickens from engineering interjected that there will be no lights on the tower.

A resident of 432 Old Rt 32 spoke about the electromagnetic field that is supposed to be within standards. She referenced other studies and expressed concern for herself and her family. She noted that the neighborhood had a high incidence of cancer.

Mr. Harrison asked why there can't be another balloon test with leaves off. He said they were not informed until after the fact of previous tests and hearings.

Mr. Bryant spoke to Mr. Harrison's point. He lives at 24 Church Road and felt that the County had not been upfront with residents. He said that he was told that the Mt. Airy tower could not support additional equipment.

Mr. Harrison repeated that communication to the residents was done poorly. Jeanne reminded him that the balloon tests happened while the matter was under consideration by the Planning Board, that the Zoning Board was only involved for a month. She also stated that the ZBA is comprised of volunteers, charged and pledged to follow the zoning law. That law dictates what papers notices must be posted. The official paper of Saugerties is Hudson Valley One.

Darleen spoke again asking for advance warning in case the project is approved and she could sell her house. Jeanne asked her to attend all ZBA meetings to know.

Mr. Harkavy wanted to follow up on Henry's position that drone footage is not instructive to laypeople. He objected to only two simulations and none done from actual residential properties. He called for additional balloon tests and additional simulations.

Ms. Asiain spoke to Darleen's point that homes would depreciate in value and asked if there would be compensation.

Henry asked Mr. Doyle if it is possible to reverse the drone simulation to show how the tower would actually look from each property. Mr. Doyle said pictures can only be taken from public property. He said that what was shown shows a magnitude of impact. On the subject of alternatives, the law says it must address within less restrictive zones. He said that there is no money in the contract to investigate other locations. It would not be approved until Spring.

Jeanne wanted to insert conversation about balloons, asking if it were in Mr. Doyle's budget. He said that the magnitude of impact is already shown. He asked why he was being asked to do additional studies if he is asked to investigate alternative locations.

Jeanne said there were no markers at the location. Mr. Doyle said that he would accompany her to the site. Patti said the marker is not visible from the road for the board or the public.

Mr. Doyle responded that he didn't understand the mistrust of the drone pictures. Patti said that a balloon test would be helpful to residents of Church Road and Stay Road.

Mr. Harrison asked again why other locations were not considered and how best to communicate with the public. Patti said she too had questions about alternate locations, including Mt. Airy Road.

Patti asked if Mr. Doyle could send the board a copy of the survey. He said it was part of the site plan. Jeanne reminded everyone that was probably submitted to the Planning Board.

Jeanne asked for a motion to keep the public hearing open until January. Patti seconded. Passed unanimously.

She asked what the board would like Ulster to provide. Patti had asked for a survey, marked with the tower, to be sent to the ZBA. Jeanne requests a larger stake at the site visible from the road denoting the tower location.

Joe motioned that the County show a list of alternate sites. Patti seconded. Passed unanimously. Mr. Doyle said that the alternate sites under the balance of public interest test applies only to less restrictive zoning areas. Jeanne said that statements why other locations were not in consideration would be acceptable.

Henry reiterated that the drone pictures were not relatable to himself and other individuals. Jeanne agreed.

Jeanne asked for another motion, if the board would ask for another, well-advertised, balloon test with the understanding that such tests can be difficult during winter months. Patti motioned that the county do another balloon test on the site set ensuring that notices be posted. Mr. Doyle asked if the board would be allowed to do another drone flight before a balloon test. He said the earliest he could schedule such a test would be February or March.

Mr. Doyle was concerned that a balloon test would not show additional impacts on Church Road or Stay Road beyond what the drone tests already show. He was willing to do another balloon test.

Tim seconded Patti's motion. Henry didn't see the relevance or a clearly defined objective. He voted yes. It passed unanimously with the understanding that the test be well publicized in advance.

Mr. Doyle indicated that he would need contractual amendments to set up the balloon tests.

George said it would be beneficial to the board for Mr. Doyle to discuss alternative sites even before the balloon test and simulations were done.

Tim motioned to accept the 11/2/20 minutes. Henry second. Passed unanimously

Jeanne motioned to adjourn, Henry second. Passed unanimously.

Meeting closed at 10:10 pm

Respectfully Submitted,
Kevin Freeman
ZBA Secretary