



# TOWN OF SAUGERTIES

## ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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### Monday October 3, 2016 Meeting Minutes

**Present:** Henry Rua, Patti Kelly, Samantha Dederick, Donn Avallone, Jeanne Goldberg

**Absent:** Joe Mayone, Alvah Weeks

**Also Present:** Court Stenographer, John Greco, Town Attorney, George Redder, Town Attorney, Mr. John Lyons, Esq., Mr. & Mrs. Lindquist, Mr. & Mrs. Amell, Mr. Graiff, RF Engineer, Sara Colman of Verizon, Frank Marzullo, John Hommel, Joe Hommel, Mike Ivino, and Mr. Bruno, Town Liaison.

- ~ Meeting started at 7:05pm with the Pledge.
- ~ Jeanne asked Patti Kelly, ZBA Alternate to join the meeting tonight due to the absence of Joe Mayone.
- ~ Jeanne read her statement as she has done with the past meetings.

#### **NEW APPEAL:**

Ashley Homes LLC  
3736 Rt. 32  
Saugerties, NY 12477

SBL#: 8.2-5-33.100  
File #: 16-0002

- Ashley Homes LLC owners, John and Joseph Hommel, being represented by Frank Marzullo from Sure Fire Sign Inc. All were present at the meeting.
- Appeal started at 7:10pm.
- Requesting an Interpretation on the decision made by the Code Enforcement Officer.
- Clients want to replace their existing 4' x 8' free standing sign with an electronic LED motion sign of the same size. Motion signs are against the Zoning Law.
- Mr. Marzullo handed out a packet to the Board on what he would be discussing.
- This business has been in operation for 9 years, they have 18 employees, and are on a 9 acre parcel. They run Ashley Homes and Rt. 32 Supply from this location.
- Current sign is 15' high and obstructs no views, the new one would be in the same location at the same height.
- Mr. Marzullo read the section of the Zoning Law that this violates, he stated that the level of brightness of the proposed sign has different intervals for day and night (brightness), all aspects of the sign can be controlled. Mr. Marzullo stated that the Town is currently allowing LED motion signs with regards to the gas station signs. He had pictures stating this in his packet he handed out.
- Sam asked how often the gas signs change, he stated as much as the price of gas changes in a day. Henry stated that by law gas prices are only allowed to change once a day.

## **NEW APPEAL CONT'D:**

- Mr. Marzullo stated that signs like this cause no more accidents than other signs. They are actually safer. The sign will not be a nuisance, it will be very helpful. He also read a legal law on civil rights and attached the 1<sup>st</sup>, 5<sup>th</sup>, and 14<sup>th</sup> Amendments.
- Donn asked if he was implying that his clients have a Constitutional Right to have a motion activated sign. No, he just was stating a law.
- Donn asked if Mr. Marzullo's company produced the items he just read, no National Highway Studies produced that information.
- Fire Departments would also benefit from signs like this being allowed, a fire fighter was present at the meeting. He also spoke with Chief Sinagra, and the Chief feels that signs like this would be very helpful at times of Amber Alerts or any other important messages needed to get to the public.
- Jeanne informed Mr. Marzullo that all matters that come in-front of the Zoning Board of Appeals needs to have a Public Hearing. Motion made by Sam to set the Public Hearing for November 7, 2016 at 7pm. Henry 2<sup>nd</sup> motion, voice vote was taken, 5-0. Public Hearing is set. Applicant was given all information for the mailing.
- Jeanne informed the applicants that the matter needs to be sent to the Ulster County Planning Board since it is on a County Highway.
- Appeal ended at 7:25pm.

## **CONTINUED PUBLIC HEARING:**

Verizon Wireless/Cellco Partnership  
1275 John St. Suite 100  
West Henrietta, NY 14586

SBL#: 28.3-8-9.100  
File#: 15-0001

- Started at 7:26pm, Sara Colman contractor from Verizon only one present at meeting for Verizon. She apologized that Mr. Olsen had an emergency last minute and could not come to the meeting.
- She stated that they submitted all the material that was asked of them at the September 7<sup>th</sup> meeting. She would answer any questions to the best of her ability and if she could not, she would get back to the Board with the answers.
- Board opened up the Public Hearing to the public.
- Mr. Lyons, was the only person signed up to speak. He also submitted information before the deadline given by the Board; however, he has not gotten a copy of what Verizon submitted.
- Board asked if any more questions, none.
- Jeanne asked for a motion to close the Public Hearing. Henry made the motion to close the Public Hearing for the Use Variance 2<sup>nd</sup> by Donn. Jeanne asked if any discussion, no. Voice vote take, 5-0 all were in-favor. Therefore, the Public Hearing for the Use Variance is now closed.
- Jeanne then asked the Board to schedule the Public Hearings for the Area Variances for this project. Board agreed.
- Jeanne made the motion to set the Public Hearings for the Area Variances for Monday, November 7, 2016 at 7pm one variance is 477' (Coynes House) and the other is for 269' (Dewitt House). Motion was 2<sup>nd</sup> by Samantha, voice vote was taken, 5-0.

## **PUBLIC HEARING CONT'D:**

- Therefore, the Public Hearing for the two (2) area variances are now set for November 7<sup>th</sup>. Ms. Colman was given all the information for the public hearing.
- Jeanne asked for any last minute comments, none.
- Public Hearing ended at 7:35pm.

## **DISCUSSION(S):**

1. Donn made the motion to accept the minutes from the Sept. 7<sup>th</sup> meeting as written, Sam 2<sup>nd</sup>. Vote take, 4-0. Minutes approved
2. All members got their Planning Board minutes.
3. Ashley Homes' Public Hearing was set for November 7, 2016 and the Area Variances for Verizon was also set for November 7, 2016.
4. Jeanne made the motion to set the SEQRA for Ashley Homes' Appeal as a TYPE II 617(c)(31). All interpretations are an automatic TYPE II. Henry 2<sup>nd</sup>, vote taken, 5-0.
5. October 17<sup>th</sup> is a class for the Board members to attend, it is free. Whoever wants to go let Katie know, Jeanne, Sam, Donn, and Patti asked to be registered for it.

- ~ Donn made the motion to adjourn the meeting, 2<sup>nd</sup> by Henry, vote taken, 5-0.
- ~ Meeting ended at 7:40pm.
- ~ Next meeting will be held on Monday, November 7, 2016 at 7pm at the Senior Center.

Respectfully submitted,  
Kathleen Cappello, Sect.