



ZONING BOARD OF APPEALS
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June 7, 2021
WebEx Meeting Minutes

Present: Patti Kelly, Henry Rua, Joe Mayone, Tim Scott, Randy Ricks & Holly Strutt, Alternate

Also Present: Mike Ivino: Town Board Liaison, Scott Olson: Attorney Young Summer LLC, Kimberly Garrison: ZBA Attorney, Kathy Pomponeo, Verizon Location Manager, Mike Crosby: Verizon RF Engineer, George Redder: ZBA Attorney, Dan Shuster: Town Planner, Sara Coleman: Aerosmith, Brett Buggeln: Tarpon Towers, John Lyon: ZBA Attorney, Kevin Freeman: Zoning Board Secretary

Patti Kelly, Acting Chair, called the meeting to order at 7:05 pm. She took roll call of ZBA members and announced a quorum was reached. Patti asked Holly to join the board for the Verizon application.

New Business

Embassy Holding LLC-, Starbucks
334 Rt. 212, Saugerties
SBL#: 17.16-2-27
File #: 21-004
Referred by the Planning Board

The property is zoned General Business/Gateway Overlay District.
The proposed Starbucks coffee store is 2,400 sq. ft. with a lot size of .676 +/- acre.
The applicant is requesting a 20' variance to the required 50' rear building setback.

This was given to the ZBA by the Planning Board, not by the building department, as the Planning Board is in the process of site review. Mr Elmassalehmah said he would be representing Embassy Holding LLC. He shared the revised site plan which was submitted to the planning board. He described the parking and stacking for the drive-thru. He stated the two existing entrances would be closed and the only access would be from the parking lot. Patti explained that the Planning Board requires the ZBA's approval of the setback variance. The ZBA told Mr. Elmassalehmah that the ZBA would set a public hearing for July 12th. Kevin explained to the applicant the process of sending out the certified letters to properties within 500' of the proposed project prior to the July public hearing

Old Business:

Tarpon Tower II & Verizon Wireless
17 Industrial Rd.
SBL #: 28.4-2-38.600

File #: 21-0080

This property is zoned Office Light Industrial (OLI.)

The applicants want to install a new commercial tower/wireless facility on property owned by Kidco Realty at 17 Industrial Rd. in Mt. Marion.

The applicants are proposing to construct A 159' mono pole (including antenna) commercial telecommunication facility and have applied for area variances. The initial request was denied by the Town Building Inspector because the proposed setbacks don't comply with the requirement that setbacks be one and ½ times the height of the tower, in this case 238.5'. T

The **REVISED** distances from the proposed tower location are: 179' from the front property line; 188' from the western property line; 189' from the eastern property line; and 262' from the rear property line.

The **REVISED** variances needed are: 60' front yard variance; a 51' west side variance; and a 50' east side variance.

Patti told Mr. Olson that there were still a few items missing from the application, and they would be discussed later in the meeting. She asked him first to show all the balloon test photos. Mr. Olson shared his screen to go through the pictures. The differences between the earlier photos where the trees are not in full leaf and the recent photos where the trees are in full leaf were obvious and noted by board members.

Patti pointed out in that, unlike the original application, Verizon had not requested the specific variances in this second supplemental. The variances have changed, and she asked Mr. Olson that the revised variance requests be included.

Dan Shuster discussed the visual assessment criteria required under SEQRA. His preliminary conclusion, after reviewing the balloon test photos was there were few, if any, negative aesthetic effects. Patti asked how the application should be classified. He replied it would be an Unlisted Action under SEQRA.

Patti asked for a motion that the application be considered an Unlisted Action under SEQRA. Henry made the motion, Tim seconded. Patti did a roll call vote:

Henry Rua	Yes
Joe Mayone	Yes
Tim Scott	Yes
Holly Strutt	Yes
Patti Kelly	Yes

Patti said the Planning Board was an interested party since they would do the site review following the ZBA's determination on variances. She asked if the board would agree to a coordinated review with the Planning Board for SEQRA review. Kim Garrison confirmed they are an involved agency. Patti said the Planning Board would send out a SEQRA Notice of Intent to become Lead Agency to other involved or interest parties. Patti made a motion to agree with this plan. Joe seconded. Patti did a roll call vote:

Henry Rua	Yes
Joe Mayone	Yes

Tim Scott	Yes
Holly Strutt	Yes
Patti Kelly	Yes

Patti asked Mr. Olson how he planned to reconcile the original application that had been substantively revised with the two supplementals. She said the ZBA needed to send it to the Ulster County Planning Board for review. Mr. Olson said he would modify the original plan with new data from the supplementals and application form. She, again, asked him to include a revised variance request. Henry said he wanted to see the elevation difference between the Industrial Road and firehouse locations. Mr. Olson said he would provide the elevations. Henry restated he was asking for physical elevations, not from Google maps, for example. Mr. Olson said he would provide surveyed information.

Patti said Mr. Olson should be prepared to discuss alternative sites for the public hearing. She suggested putting together all the Mt. Marion alternative sites and the accompanying RF maps for all the sites that had been previously explored during the past several years. She specifically asked him to include the water tower and Quarry on Kings Highway since they were mentioned by members of the public, and RF mapping was done on them. She said it will be important for the public to be able to view all the information on alternative sites. Mr. Olson said that since Tarpon and Verizon are not asking for a Use Variance, he didn't think alternative sites were an applicable issue.

Patti also told Mr. Olson that he might get questions about the public notice from a Maryland company that asked the public to send any concerns they had about historic properties near the proposed Industrial Road tower site to the company. Mr. Buggeln said it was part of Tarpon Towers' NEPA review.

Patti asked the board if they had enough information to consider the application complete enough for a public hearing. Patti moved that the public hearing take place at the July 12th meeting. Joe seconded. A roll call vote was taken:

Henry Rua	Yes
Joe Mayone	Yes
Tim Scott	Yes
Holly Strutt	Yes
Patti Kelly	Yes

Kevin asked if new 500' letters needed to be sent. Patti asked Mr. Olson to update his original letter and send it to Kevin. She would tweak it and send it back to him. Kevin would send a new list of 500' properties.

Joe made a motion that the Embassy/Starbucks public hearing be held at the July 12th meeting. Henry seconded. A roll call vote was taken:

Henry Rua	Yes
Joe Mayone	Yes
Tim Scott	Yes
Randy Ricks	Yes
Patti Kelly	Yes

Henry noted that he was not included on the May minutes. Patti said she amended the minutes to include Henry and asked Keven to post a corrected version of the minutes on the website. The board unanimously approved the minutes with that modification.

The meeting was adjourned at 8:25 pm.

Respectfully Submitted,
Kevin Freeman
ZBA Secretary

DRAFT