



ZONING BOARD OF APPEALS
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July 12, 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, Dan Shuster: Town Planner, Sara Coleman: Aerosmith, Brett Buggeln: Tarpon Towers, Dennis Doyle, Director of the Ulster County Planning Department; Steve Peterson; CSN Consultants; Will Massy, Motorola; George Redder, ZBA Attorney; Ronald Graiff: ZBA Engineer; Kevin Freeman, Zoning Board Secretary

Patti Kelly, Chair, called the meeting to order at 7:05 pm. She announced the two public hearings on the agenda, adding that the Tarpon Towers II/Verizon application for Industrial Rd. was still on hold pending receipt of a revised site plan necessitated by the location change of the tower.

Patti took roll call of ZBA members and announced a quorum. Patti asked Holly Strutt (the ZBA alternate) to again join the board for the discussion of the Ulster County radio tower application, and Holly agreed. Patti explained that Holly has participated in the U.C. tower review, whereas Randy Ricks was not a member at the time of that application.

New Business

Embassy Holding LLC-, Starbucks- Public Hearing

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.

Patti asked for a SEQRA determination motion. Tim moved that the application be considered a SEQRA Type 2 617.5C(9,) commercial rear yard variance. Henry seconded.

Patti asked for a roll call vote:

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

Patti asked if any members of the public were present and would like to speak on the application. None were. Patti asked Kevin Freeman if the ZBA had received any letters or emails about this application. He had not.

She asked Kevin if all the Public Hearing notification cards that had been sent out to property owners within 500' of the proposed project had been returned. Kevin said they had.

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 saying that the NYS DOT had given preliminary approval for eliminating the curb cuts from Rt 212. There were no questions from the board. Patti told Mr..Elmassalehmah that if there as was time at the close of the next agenda item, the board would try to vote on the variance request tonight.

Continued Public Hearing
Ulster County Public Safety Radio Tower
35 Quarry Road, Saugerties NY

Patti asked Mr. Doyle to run through the changes to the application, including the revised tower height (165') justification and RF mapping. Patti said the public would have their opportunity to make comments after the presentation of the new information.

Mr Doyle presented the revised RF maps and explained the nature of the system, justifying the simulcast system saying it would provide the best coverage, audio quality, and reliability with the fewest towers. He said Ulster County owned the frequencies proposed. The system consists of several towers within the County. It is designed for 3.0 delivered audio quality (DAQ) and 95% reliability. He said it is important to note that the County's contract with Motorola would hold the provider to these standard metrics. Ron Graiff, the ZBA's RF engineering consultant, asked about the difference between the inbound and outbound coverage. Dennis said there was no significant difference.

Mr. Doyle described the increased coverage maps. He said the number of 911 address points by coverage type is: Outbound Mobile- 1,349; Outbound Portable-6,817; and Inbound Portable- 4,420. Ron commented that the proprietary information prevents the ZBA from understanding how the County arrived at its coverage numbers. Henry followed up by asking why the County, and Will specifically, couldn't share the proprietary information with Ron Graiff, who is also a certified engineer, so he could properly advice the ZBA board. Will Massy said that couldn't be done according to the industry's professional standards he needs to follow.

Patti asked about the Motorola signal strength maps. Mr. Massy explained the -130 is the weakest signal and -30 is better. Ron explained anything in the -70 to -90 range is usable. Mr. Massy said it was different for Simulcast systems as signal strength was different from every point in the county and delays from other towers could also impact signal strength. Ron inquired about the lack of inbound portable coverage in the village. Mr. Doyle explained it was due to elevation. Ron asked if the County would need an additional site in the future. Mr. Doyle said this was the best location they could find.

The board asked several questions about why the County is using Delivered Audio Quality (DAQ) of 3.0 (Speech understandable with slight effort and requires frequent repetition due to noise or distortion) rather than 3.4 (Speech easily understandable. Little noise or distortion). Steve Peterson said the County was very comfortable with 3.0. He said that 3.0 is the standard for an analogue system. 3.4 is the standard for a digital system.

Patti referred to the correspondence that Mr. Doyle and his team had with representatives of Charter, the owner of the Mr. Airy tower site. Ron said he thought the emails from Charter were self-serving and lacking in concrete information. He said the document was a disappointment and lacking credibility. He asked why the county did not deal with Charter directly, the owner of the site, rather than its tower broker. He also said

the structural analysis was lacking as was alternate site analysis simulating coverage from Mt Airy. Mr. Doyle said they did contact Charter directly, but they were referred back to the tower handlers, KGI.

Ron stated that tower height was typically the most important factor from the ZBA's perspective. He asked Mr. Doyle to share that paper on the height requirements. The diagram showed a 165' tower with a 21' cantilevered extension on top. The lower microwave dish at 130' appeared to show good signal strength. The system was designed with availability of potential downtime of only 12 seconds out of a year as opposed to the 95% availability target. Mr. Massy said the tower design was done by the county. He did address the spacing between the antennas. This was for vertical separation to avoid interference. Ron questioned how the distributed audio quality is defined and measured. He referred to a list of phonetically balanced sentences as the metric and played some examples for DAQ testing. Henry asked Will why this information could not be given to Ron. He said he did not work on the tower height design. Patti asked who from the County worked on this and if they were on this call to answer Ron's question. No one responded to that inquiry. Ron said he has no doubt that there is a need for better coverage. He just wants to be able to give the ZBA the best advice possible, and he can't do that without access to how the information was developed.

Police Chief Sinagra spoke to his concerns outlined in his letter to the ZBA. He said there were numerous instances of poor or no emergency and cellular communication, particularly in the northern Rt 32 area. He specifically mentioned a recent emergency on Esopus Creek Rd. where there was no communications coverage. He hoped for a resolution for the community and the officers involved. Patti asked him to please check the coverage areas on the County's map and let the board know if there were still areas of concern.

Anthony Kordich spoke next, thanking the board for trying to get the best result with the understanding that the tower was needed. He asked if the matter of the tower being option #2 meant that option # 1 was off the table. Mr. Doyle said option #2 was the preferred site. Patti asked Mr. Doyle to commit to using location #2. Holly said an applicant's consideration of alternative locations was a requirement of the Monroe decision application, not a choice to be made by the board. Mr. Doyle again said it was the preferable location. Mr. Kordich asked, again, if that means the first tower is off the table. Doyle said that would be the ZBA board's decision. Patti told Mr. Doyle that the final location of the County's tower was not a decision to be made by the board, and asked him to commit to where the tower was going to be sited. He said the County would use option #2.

James Mullen, Fire Chief of Centerville, thanked the county for their advocacy. He said the communications system is not working and the tower is needed. Patti and Henry asked him if he was comfortable with the 3.0 DAQ vs the 3.4. He responded that any improvement was welcome even if messages needed to be repeated. Chief Mullen said he had faith in the county as having his department's best interests in mind. Any increase in communications is better than what he has now.

Ryan Arold said he had been a Chief for over 5 years and has never been able to reach the county on his portable radio. He supports the County's efforts to get better communications. He asked what the difference in cost would be between the 3.0 and 3.4 DAQ. He did not get answer.

Chief Mullen asked if Steve Peterson could address the questions of quality and cost. Mr. Peterson repeated the 3.0 standard for analog systems.

Henry asked for clarification from Ron on the differences between 3.0 and 3.4. Ron said the difference was subjective. He said the difference will be determined on how the system can be verified.

Chief Mullen asked in chat if the DAQ system could be upgraded in the future from 3.0 to 3.4. Mr. Massy said an analog system was limited to 3.0.

Kevin Drescher, Fire Chief of Saxton, said his area was most affected by a lack of communication. He said historically the Town's fire, police and EMS have been asking the County for over 5 years to have the system improved and nothing ever happened, but he is excited by the prospect of finally getting the improvements. He said he didn't want to hear anyone look out their window and complain about their disrupted view.

Aden Hughes, a 24-year fire veteran, spoke to the concerns of the other chiefs. He said the Mt. Marian fire department suffered tragic circumstances from poor communications. He has given up trying to use his portable radio. He echoed the concerns expressed by all the fire personnel that this tower is needed.

Kevin read a chat asking about property values for those affected. Chief Drescher took exception to the question. Patti explained that the Monroe decision was a balancing of interests, and the Board had the obligation to hear from all impacted parties.

Patti reminded Mr. Doyle that the site plan still called for a taller tower height. She asked that he correct site plan to reflect the 165' height and send a revised site plan to the ZBA.

Henry said that the board completely understands the need for improved emergency communications. He said he wanted to see the best system employed for our firemen, police officers and EMS. He asked if upgrading the system to digital is necessary for the improvements to last longer than 5 years, even if cost is a factor, wouldn't it be better to do it now. He wanted to know why the county wasn't answering the cost question.

Joe Mayone emphasized that the board, and he personally, recognized the need for improved communications equipment. Holly Strutt echoed Joe's comments, adding that her dad was a firefighter, and she understood the concerns about personal and public safety that were raised tonight.

The Glasco Assistant Fire Chief asked if the County was ever planning to switch from analog to digital. Was it just a matter of cost? Mr. Peterson said it could be upgraded in the future, but that digital was not the way to go for fire services.

Bill Harrison thanked the board for its thorough review and for its consideration of the Quarryville neighbors' concerns.

Patti asked for a motion to close the public hearing. Tim made the motion, Joe seconded. During discussion of the motion, Henry asked again, about the cost difference between the analog and digital. He asked why the county wasn't using the latest technology. Ron said that to move to digital would require all new equipment, and would likely cost more. Mr. Massy said the units and base stations were digital capable and would not require replacement. He also said that analog had a larger footprint, and digital would require more towers. Mr. Doyle said they would need to buy additional frequencies, and they will need more towers.

Patti called for a roll call vote on the motion.

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

Patti asked if the ZBA thought the application was complete contingent on the correct tower height reflected in the site plan Mr. Doyle said he would have the revision within the week. Holly moved the motion to

determine the application for the U.C. Public Safety Radio Tower complete, contingent on receiving the revised site plan. Tim seconded.

Patti did a roll call vote to call the application complete.

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

Holly asked if the board could consider the Embassy application. Patti moved to adopt the 20' variance contingent on final approval of the Planning Board for the site plan. Randy seconded.

Patti asked the five questions needed for a variance application.

Can the benefit be achieved by any other means? Answer: Henry said no, and noted that the improvements made the site safer. All agreed.

Did the plan introduce an undesirable change? All answered no. Patti said after years of the commercial site sitting vacant, it will be a welcome improvement.

Is the change substantial? Answer was no. All agreed.

Will the request have adverse effects? All agreed the answer was no.

Is the difficulty self-created? All agreed the answer was no.

For approval of the motion, Patti took a roll call vote

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

The motion passed and the variance granted. The determination would be sent within 5 days.

Patti asked for a motion to approve the June minutes. Tim moved to accept. Henry seconded. The board unanimously approved.

Joe moved to close the meeting., Henry seconded. The board unanimously approved.

The meeting was adjourned at 9:38 pm.

Respectfully Submitted,

Kevin Freeman

ZBA Secretary