



**TOWN OF SAUGERTIES  
ZONING BOARD OF APPEALS**  
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**July 6, 2020  
WebEx Meeting Minutes**

**Present:** Jeanne Goldberg, Henry Rua, Patti Kelly, Joe Mayone, Tim Scott & Holly Strutt, Alternate

**Also Present:** Paul Andreassen: Town Board Liaison, Allison Phillips: Attorney Young Summer LLC, Mike Crosby: Verizon Engineer, Sara Colman: Aerosmith, Ronald Graiff: ZBA Radio Frequency (RF) Engineer, George Redder: ZBA Attorney, Dan Shuster: Town ZBA Planner, Kevin Freeman: Zoning Board Secretary

- Jeanne called the meeting to order
- Jeanne took roll call and, with full attendance, announced a quorum was reached
- Jeanne asked Holly Strutt to participate as a full member for this meeting and the Public Hearing on Verizon. Since Henry Rua was absent for previous 2020 Verizon meetings, he will not vote on this appeal.

**Old Business: Public Hearing**

**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**

Jeanne verified that Verizon had sent evidence of complying with sending certified mail notifications to property owners within 500 feet of the Mt. Marion fire department property. Jeanne stated that at the June 1 meeting the SEQR classification as unlisted and the determination as a negative declaration had been voted on unanimously by the ZBA.

Jeanne announced that the 1988 Monroe Decision would be part of the ZBA consideration of this appeal, including that the ZBA is qualified to determine the proper application of the Zoning Law. Jeanne and Patti read portions of the criteria that need to be evaluated. She said these are posted on the ZBA page of the town's website

Jeanne Read: Proposed Action: Tarpon Towers II, LLC ("Tarpon") and Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless") propose to install and operate a new communications facility on the above-referenced Property. The proposed facility includes the installation of a new 120' monopole tower structure and related antennae and equipment necessary

to close existing gaps in service in the local area and to relieve substantial capacity issues related to the increased demand and use of Verizon Wireless' wireless network in the Town of Saugerties. This proposed site will provide new coverage to an area within the Town of Saugerties that currently lacks acceptable wireless coverage. This will result in significant benefits to Verizon Wireless customers, including emergency personnel (i.e. police, fire and ambulance) who rely on secure wireless communications provided by the Verizon Wireless network.

In addition to providing new and improved wireless service to the area, the proposed tower facility will be available for use by local town public safety agencies to help improve such agencies respective communications network. Local police and fire department officials have acknowledged the existence of poor radio communications in the area surrounding the proposed facility. By providing space on the tower free of rent to the local police and other emergency agencies, such entities will have the opportunity to significantly improve radio communications on their individual networks which will lead to improved service to local residents.

Patti read and summarized the 9 factors of the County of Monroe Balancing of Interests Test:

1. The nature and scope of the instrumentality seeking immunity
2. The encroaching government's legislative grant of authority
3. The kind of function or land use involved
4. The effect local use regulation would have upon the enterprise concerned
5. Alternative locations for the facility in less restrictive zoning areas
6. The impact upon legitimate local interests
7. Alternative methods of providing the proposed improvement
8. The extent of the public interest to be served by the improvements
9. Intergovernmental participation in the project development process and an opportunity to be heard

Jeannie opened the meeting to the Verizon representatives.

Ms. Phillips welcomed the opportunity to speak to the project, stating it was ruled a public utility. She spoke to the Visual Analysis.

Patti asked about the balloon tests, pointing out that there were errors that the board had asked to be corrected. She said we have not yet received corrected versions for the ZBA file and for public to see.

Ms. Phillips said she would remind Mr. Olson.

Mike Crosby spoke to the ZBA's follow-up request to more formally document coverage with hypothetical locations on Industrial Dr. and Tower Dr. He showed the added slides to that purpose, but said it was a complex topic.

Patti stated the documentation was very difficult to read. And asked that hard copies be sent. Ms. Phillips confirmed she would do so. Jeannie asked for 11 copies.

Mike showed a slide of Industrial Drive at 700MHz, showing green and red hash coverage. Patti asked for specifics on Industrial Drive. Mike indicated candidate sites on Industrial Drive and Tower Road. Mike showed the delta on coverage between the sites.

Ron brought up his question, prefaced by the confusion about the naming of slides. Mike said he had not seen Ron's comments.

Patti brought up Mike's assertion that he had originally done the Industrial Dr. data a year ago. Mike said he used the previous data. Mike pointed out the delta for Glasco Turnpike given the alternate locations. Patti said the presentation was too complicated for people to decipher. Mike repeated it is a complex problem.

Ron spoke to the history of the alternatives. He saw other areas within the permitted zone. Asking how the alternatives were considered given variations of frequency coverage.

Allison said that even if the alternatives were close in coverage, the fire house tower would be in the public interest and it is an available location.

Ron said the minimal differences aren't critical.

Mike said they only started by looking at 700MHz coverage. He switched to the 2100MHz map and showed more discrepant deltas.

Patti asked if Mr. DelVillano, a neighbor, wanted to speak. He asked when the balloon tests were run. Patti answered in April. He asked about the generators. Allison responded she didn't have noise level information for the generator. Ron said a generator could be rendered quiet with a high-performance muffler. Mr. DelVillano asked about the upkeep for the facility. Allison said there would be regular maintenance. Mr. DelVillano inquired about the impact on property values. Joe asked if the existing tower would be removed. It was determined it would be removed by the Fire Department.

Jeannie dropped off the call due to computer issues; Patti continued to chair the meeting in her absence.

Henry asked Mike about the height of the location. Mike said the Fire House location was 10' higher than proposed alternatives. Ron said the balancing test was inconclusive but weighed heavily the services that would be provided to the Mt Marion Fire Department.

Patti recognized Tamara Schupp. Patti reminded Ms. Schupp that zoning boards cannot take up the issue of health. Tamara said the notice for the meeting was inadequate. She said that there is current litigation in process if health issues need to be addressed. She asked about exposure limits from the tower, especially the different rates for professional or residential limits. Ron addressed the health and safety report of non-occupational exposure. He said users should be more concerned about their cell phone's radiation rather than the towers. Tamara asked who the regulatory authority over the tower would be moving forward. Tamara said the local authorities can regulate cell towers if the frequencies exceed the standard. She said the planning board has the authority to monitor compliance. Allison said that Verizon complies with FCC regulations. Tamara said the FCC doesn't regulate towers under 200'. Dan spoke to monitoring, saying the zoning law had requirements for compliance.

Patti read the first paragraph of a letter from Gina Pierson who strongly opposed the tower. The record would include her letter.

Susan Sacher called and complained about the coverage in the area. She supported the tower. She works at Mt Marion school and there is no coverage.

Jeanne returned to the meeting and said the initial Verizon application was dated May 2019 with a ZBA appearance in June 2019, but then Verizon did not return to the ZBA until January 2020.

Jeanne asked if the Mt Marion Fire Department wanted to speak. They said there would be one tower and they only had to pay for the connection cable to the new tower.

Matt Sauer, assistant fire commander spoke about how critical communications are to their operation.

Henry asked Matt and Allison if something changed and if the old tower would be left in place. Mike said all the fire department had to do is incur the cost of the cable. Ron was appalled that Verizon would charge the fire department for connection. Allison appreciated Ron's position saying there is a need for the facility, and it represents a public benefit.

A motion was made to continue the public hearing for 8/3, Joe seconded. Patti spoke to ensuring that the ZBA files are complete and accurate, and again stressed the need for corrections from Verizon. Jeanne had conditions to keeping the motion open: Deadline for written submissions is July 22<sup>nd</sup>, and that legal notices for the public hearing will be placed in Hudson Valley One, on the Town website and on Public Access Channel 23. Motion passed to continue public hearing on August 3.

**Discussion:**

Previous minutes were amended with Patti's corrections. Motion to accept made by Patti with Joe seconding. Passed unanimously.

Motion to close made by Tim, Joe seconded. Passed unanimously.

Meeting adjourned at 9:30.

Respectfully Submitted,  
Kevin Freeman  
ZBA Secretary