



# TOWN OF SAUGERTIES

## ZONING BOARD OF APPEALS

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### August 1, 2016 Meeting Minutes

**Present:** Jeanne Goldberg, Sam Dederick, Brian Sawchuk, Henry Rua, Donn Avallone, Alt.

**Absent:** Joe Mayone

**Also Present:** Mr. John Greco, Esq., Town Attorney, Mr. George Redder, Esq., Town Attorney, Mr. Alvah Weeks Jr., Town Building Inspector, Mr. Dan Shuster, Town Planner, Mr. James Bruno, Town Board Liaison, Court Stenographer, representation for the applicant's, many people from the public.

- ~ Meeting started at 7:00pm
- ~ Pledge said by Brian Sawchuk.
- ~ Jeanne started the meeting stating guidelines to all who were present and made it known that this was only for the use variance and not the area variance and to keep all comments/questions for the use variance. Jeanne also gave background into this appeal for all those in attendance to know.
- ~ Public Hearing discussion started at 7:05pm.

#### **PUBLIC HEARING:**

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

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

- Present at the meeting for this appeal was E. Hyde Clark, attorney from Young/Sommers representing Verizon and Verizon's RF Engineer Mr. Tucci.
- Mr. Clarke reiterated how this tower is a public service and that there was no other suitable place for the proposed tower and facility shed to provide the best possible coverage needed for their customers.
- He then asked for time at the end of the public comment period to address any questions or comments. Board granted that.
- Jeanne then opened the meeting up to the public present.

## **VERIZON/CELLCO PUBLIC HEARING CONT'D:**

- First to speak, Mr. Ken Lindquist of 650 Schoolhouse Rd. He owns a historical home built in the 1730's. His home is located across the street from the proposed project. He has hired an attorney along with other residents in the area and he'd like his attorney to talk for them. Mr. Lindquist and the other residents are very much against this project.
- Second to speak, Susan Puretz of 158 Buffalo Rd. She is on the Town of Saugerties Historic Preservation Commission (HPC) and spoke of the issues the committee has with the proposed project and read a letter/meeting minutes in regards to this project (see file). The HPC is very much against this project.
- Next to speak, Blanca Aponte from Rt. 32 with Casablanca Realty in connection with Win Morrison Realty. She does not feel the need for the tower as she has adequate cell phone coverage when she is in the area of the proposed project. She came to the meeting at the request of a friend. She does not feel it's needed and wishes the Board to consider the feelings of those against the project.
- Fourth to speak, John Lyons, Attorney for the Lindquist's, Amell's, and Russo's. He is a land-use attorney out of Rhinebeck and works for Grant & Lyons. He asked the Board if he could talk on the Area Variance as well as the Use Variance, No, only the Use Variance. Mr. Lyons stated that he represents many towns in the area as their ZBA's Attorney. He handed out a packet on the proposed project and their feelings on it (see file). Commended the Town on their historical resources and going to great lengths to protect the historical properties of the Town. He stated that just because this pole will be a public utility granting the applicant a different set guidelines to follow in terms of denial or granting the requested variance there are other factors that need to be addressed. They have to prove that there are gaps in service, how they will remedy the gaps, and minimal community intrusion. The proposed tower violates minimal community intrusion because it is going in an area of homes and historical houses. The Amell's will now look at a cell tower and not their view of the mountains. He asked the Board to really think about how granting this variance would go against all that the Town stands for in terms of the guidelines established already.
- Next on the list, Karren Trent of Elm Street in the Village of Saugerties. She is very much against the tower and another spot should be chosen.
- Penelope Milford, last to speak on this subject. She lives at 24 Valley Street in the Village of Saugerties. She thanked the Board for allowing public comment. She has questions regarding zoning laws with regards to historical issues. If someone proposes something that isn't allowed they have to tell you why they have the hardship and how it is not self-created. How does one grant a hardship? Jeanne stated that hardship is part of the process and with regards to a public utility they need to prove the need for it. Ms. Milford asked if another place is better for the proposed project then why not move to that site. Jeanne stated it will all be discussed.

## **VERIZON/CELLCO PUBLIC HEARING CONT'D:**

- Jeanne asked if anyone else wished to talk from the Public. No one did. Jeanne asked those in the public that read something to please bring copies up front to the secretary.
- Mr. Clarke came back up to speak. He stated that Verizon chooses the location and not for the cheapest or easiest solution. Verizon does not take placing a tower lightly. Per their FCC agreements they have to follow certain guidelines when it comes to gaps/loss of coverage.
- Mr. Bill Tucci, Verizon's RF Engineer was present at the meeting to discuss any questions anyone had. The purpose of this tower is to cover the gaps that Verizon has in service along the NYS Thruway. There are 3 towers now, Gamma (Kingston), Beta (Saugerties), and Beta (Woodstock). All three towers are at capacity. When towers are at capacity they drop calls and speeds are slow. The area in question was chosen due to the location to the Thruway, the elevation to bounce off the other towers. The other locations evaluated were not ideal.
- Mr. Greco, Town Attorney, asked Mr. Clarke what work was done to consider that the tower be on Kings Hwy near/on the water tower? Mr. Griaff (the Town RF Engineer) and Mr. Tucci did look at this site but it was not conducive to what was needed. Mr. Greco asked why they said the Water tower site was 125' but in paperwork they say it is 65' high.
- The representatives for Verizon stated that the water tower site is a superfund site and they cannot put a tower on it.
- Jeanne made note that the Boice's silo is in the Town of Ulster not in Saugerties.
- Mr. Greco asked how Verizon terms adequate coverage. Mr. Tucci stated that 100% is adequate coverage but at this proposed location and with proposed height of 135' we will get 85-95% coverage. What about co-locating with another tower. He does not look at other cell company towers he can't answer that. Can roaming options to customers help cover the gap that exists? Mr. Tucci could not answer that.
- Mr. Clarke and Mr. Tucci stated that the cell tower height at 65' or 125' doesn't always solve the problem of coverage. The water tank site is very close to the Saugerties site and it will not help the area where there is the coverage loss.
- The Amell's asked if there will be a shelter still. Yes there will be. So that will be 250' away from our property which we'll hear generator noise now, yes. If other companies co-locate it will make more noise, yes. But there will be decibel testing performed.
- Mrs. Lindquist stated that studies were done and it stated there were no archeological finding yet she had proof to state otherwise. Mrs. Lindquist handed everyone on the Board and the Young/Sommers attorney's her findings (see file). Was this letter sent to SHPO, no. Board asked her to send it to SHPO.
- Henry asked if any of the historical houses were on the National Registry. No none are on it. Why not? Conditions need to be examined and followed and personal reasons.

## **VERIZON/CELLCO PUBLIC HEARING CONT'D:**

- Jeanne said to Mr. Clarke that she read all the reports submitted and would like to know where the Saugerties and Kingston towers are physically located. Mr. Tucci said he'd send that all in.
- Board asked if Verizon has gotten in touch with the Fire Depts. to see if they are affected by the gap. No.
- Sam asked that if the silo and water tower were used together would that cover the need being sought. No, the Thruway would be covered but the remaining areas would not be covered nor would it help with the capacity off-load.
- Mr. Lindquist asked if there will be a public hearing for the area variances since it was not discussed tonight. Yes.
- Jeanne- the next meeting will be Sept. 12<sup>th</sup> because of Labor Day. So now there is a choice to make. Adjourn the meeting until Sept. or close the public hearing.
- Verizon wishes to close this public hearing and be given 10 days to submit additional information and then start the public hearing for the area variance.
- Jeanne stated that the area variance cannot be started because the application is not complete. Once all the information is submitted the process can start.
- If adjourned the Oct. 2<sup>nd</sup> meeting is the 62 day deadline, per Dan Shuster.
- Possible to get Mr. Griaff to meeting next month. Yes
- Mr. Lyons asked if Mr. Griaff comes will that keep the Public Hearing open. Yes.
- Mr. Greco and Mr. Redder agreed to keep the meeting open.
- Sam made the motion to have Mr. Griaff attend the next meeting which was 2<sup>nd</sup> by Henry. A voice vote was taken: Goldberg – yes, Rua – yes, Dederick – yes, Sawchuk – no. Therefore, the motion was passed and the Public Hearing will remain open until the September 12<sup>th</sup> meeting. Should Mr. Griaff not be able to attend then the Public Hearing will be closed.
- The meeting of the appeal ended at 8:40pm.

## **DISCUSSION(S):**

1. Donn made the motion to approve the meeting minutes from the June 6<sup>th</sup> at written, 2<sup>nd</sup> by Jeanne. Vote 5-0.
2. Brian made the motion to approve the meeting minutes from the June 24<sup>th</sup> special meeting, 2<sup>nd</sup> by Henry. Vote 5-0
3. All Planning Board minutes received.
4. Jeanne discussed the cancelling of going to the NYPF class on July 29<sup>th</sup>.

~ Henry made the motion to adjourn the meeting, 2<sup>nd</sup> by Sam. Vote taken all were in-favor.

~ Meeting ended at 9pm.

Respectfully submitted,  
Kathleen Cappello, ZBA Sect.