



**TOWN OF SAUGERTIES
ZONING BOARD OF APPEALS**
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**May 3, 2021
WebEx Meeting Minutes**

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

Also Present: Scott Olson: Attorney Young Summer LLC, Kimberly Garrison: Young Summer LLC, Mike Crosby: Verizon Engineer, Brett Buggeln: Tarpon Towers, Ronald Graiff: ZBA Engineer, George Redder: ZBA Attorney, Dan Shuster: Town Planner, Alvah Weeks, Building Department, Kevin Freeman: Zoning Board Secretary

Patti called the meeting to order at 7:05 pm.

Patti took roll call of ZBA members and announced a quorum was reached.

Patti reminded the public that this session was not a public hearing as the application for this location is still being reviewed by the ZBA.

Patti stated the purpose of the meeting was as indicated in the agenda:

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 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'.

The applicants are proposing to construct A 159' mono pole (including antenna) commercial telecommunication facility and have applied for area variances. The appeal states that due to the configuration of the property, the tower is not able to meet the 238.5' setback required.

The proposed tower location is 159' from the front property line; 188' and 165' from the side property lines; and 262' from the rear property line.

The applicants request a 79.5 front yard variance; a 50.5' left side variance; and a 73.5' right side yard variance.

Patti opened the meeting by reiterating the materials that had been requested of Verizon by the ZBA. She thanked Mr. Olson for supplying the survey, but the balloon test photos did not include the properties the ZBA had originally asked for. Those were 801 King's highway (1840 brick home), 1032 Kings Highway (Myer Homestead), 694 Kings Highway (Levi Myer House 1792), 198 Dussol Rd. (Winne House 1773), 347 Old Powder Mill Rd. (the 1730 York House), 807 Kings Highway, 810 Kings Highway, 775 Kings Highway, 793 Kings Highway, 783 Kings Highway, and 600 Glasco Tpke.

In addition, the RF coverage maps the ZBA received did not provide the requested details such as roads, and the locations of the Mt. Marion Elementary School and Mt. Marion Park.

Patti said it was problematic that the ZBA did not receive all the requested materials needed for its timely review of this application.

Mr. Olson apologized and said it was unintentional. He said that Mr. Crosby, the RF engineer had done the work, but the wrong version was sent out by mistake. Mr. Crosby was prepared to show those maps to the board that evening. As for the missing balloon test photos, Mr. Olson said it was an internal problem and an unintentional mix-up on their part.

Patti said the board could not do SEQR without the completed balloon tests, and the trees are now in leaf and likely to obstruct many of the views. Mr. Olson said the remaining photographs would be done that week.

Patti asked the board if they had any questions or comments. None were forthcoming at that time. She addressed the survey and the modification to the distance measurements. She noted that the survey was missing the distance to the back property line. Mr. Olson said it exceeded the distance needed for a variance so he didn't consider that important. Patti said that since the eastern distance line had increased by almost 30 feet from what was in the original site plan and the front line had increased by 20 feet, it would be prudent to make sure that back distance hadn't changed. She said it should be in the survey. Kim Garrison reiterated that the survey should reflect that distance.

Patti asked that Mr. Olson to revise the application with the corrected distances to property boundaries and to also revise the variance requests. Patti asked if the ZBA could rely on the scale(s) set forth in the maps to determine the distance between the original firehouse tower site and the Industrial Road site. Dan said the town zoning map indicated roughly a quarter mile between the sites.

Mr. Crosby presented the RF maps for height justification, including topographical underlay. The maps showed the coverage and capacity differences between different tower heights of 126', 136' and 146'. The elementary school and Mt. Marion Park were clearly marked on the revised maps, and Ron Graiff, the ZBA's RF consultant, explained how to manipulate the maps to enlarge and zero in on particular roads and areas. Ron said the mapping was helpful and much improved, but said the 116' fire house coverage was not clear in comparison to the new Industrial Road location and asked what the minimum height requirement was.

Patti asked ZBA members if they wanted the partial balloon test balloon test photos to be presented or wait for the full set. The consensus was to wait until the next meeting to see all the materials. Patti asked for hard copies in addition to the electronic versions. Holly added that the current materials Verizon sent were submitted too late to be received and carefully reviewed by the board.

Dan Shuster responded to the base maps for the balloon tests, saying they were not as clear as the coverage maps. Dan requested a viewshed map including topography indicating locations where the tower would not be seen. He also wanted a summary of conclusions and impact.

Kevin asked how many hard copies were needed. Patti said the ZBA needs hard copies as well as electronic versions for the board and its secretary, the ZBA attorneys, Dan Shuster and Ron Graiff. Mr. Olson said he would send a hard copy directly to Ron.

Mr. Olson said he could get the materials to the board by next week and the board could make the public hearing contingent on Verizon providing the materials prior to the public hearing deadline. Patti asked the board, legal counsel and Dan Shuster for their views on Mr. Olson's suggestion. They agreed if the materials were received by May 11th that would give the board time to review the materials before Patti has to submit the Public Hearing notice on May 24th. If they were not received by that date, the Public Hearing would not take place until July 5th.

Patti reminded Mr. Olson that the ZBA needed not only the revised site plan, maps and photos, but also the revised variance request. Mr. Olson agreed.

Patti asked if anyone wanted to make a motion for a public hearing contingent on the ZBA receiving materials and the revised application prior to 5/11/21. Joe made the motion, Tim seconded. The motion passed unanimously.

Tim moved to approve the April 3rd minutes, Holly seconded. Motion passed.

The meeting closed at 8:23 pm.

Respectfully Submitted,
Kevin Freeman
ZBA Secretary