



# TOWN OF SAUGERTIES

## ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

Tel: (845) 246-2800, ext. 333

Fax: (845) 246-0461



**January 6, 2020**  
**Meeting Minutes**

**Present:** Jeanne Goldberg, Samantha Dederick, Patti Kelly, & Tim Scott; Alternate

**Absent:** Joe Mayone and Henry Rua

**Also Present:** Paul Andreassen: Town Board Liaison, Alvah Weeks: Town Building Inspector, Drew Wood: Fire Department, George Redder, ZBA Attorney, Holly Strutt: ZBA Board Alternate nominee, Kevin Freeman: Zoning Board Secretary

- Jeanne called the meeting to order at 7:03pm, followed by the Pledge of Allegiance
- Jeanne stated that with the two absent members the board still had the minimum quorum of 3 members out of 5, but asked Alternate Tim Scott if he would join the board for the meeting to make as full a board as possible. Tim accepted the designation.

**Public Hearing:**

**Sherry Elkind / Puttin Plus**  
**455 Washington Avenue Ext**  
**Saugerties, NY 12477**  
**File #: 19-0013**  
**SBL #:18.1-3-57.100**

Sherry Elkind owner/applicant presented

- The applicant wishes to repurpose the salvaged structure from the Kiwanis Ice Rink arena to cover the go kart track on the property.
- Cover would be 120ft wide, 225ft deep and 50ft high  
The applicant is asking for an Area Variance of 25ft in front yard, 20ft on left side and 15ft in height
- Jeanne asked if there was anyone from the public present to speak to the proposed appeal.
- Ms Elkind was asked if she had new survey documents which she produced showing the locations of the trusses for the proposed structure.

- Ms Elkind commented that the height couldn't be changed due to calculations based on snow and wind loads.
- Patti questioned the scale of the drawings which indicated ¼" equal 10 feet.
- Sam had questions about the side measure which she measured herself as closer to 6 feet, not the reported 10 feet.
- Ms Elkind indicated she had tried repeatedly without success to contact the owner of the side parcel to possibly extend her property.
- Sam asked if the uprights were contained in the footprint of the structure and Ms Elkind replied that they were.
- Patty motioned to close the public hearing with Sam seconding. The motion passed.

**Old Business:**

**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**

Scott Olson, Esq. representing Tarpon/Verizon presented

- This property is zoned Residential Hamlet.
- Applicants want to install a new commercial tower/wireless facility on the property of the Mt. Marion Fire House.
- This applicant is asking for a Use Variance as the initial request was denied by the Town Building Inspector. A 120' mono pole commercial telecommunication facility is not a permitted use in a Residential Hamlet, according to the Town Zoning Law.
- The applicant has applied for an Area Variance of 12' for the front yard, 40' for the side yard and 165' for the rear yard.
- The appeal states that due to the configuration of the property the tower is not able to meet the 186' setback required. The proposed tower location is 174' from the front property line; 159' from the side property line; and 19' from the rear property line.
- Jeanne introduced Mr Olson who represents Tarpon Towers / Verizon
- Mr Olson submitted materials to the board including an updated survey that indicated that the Mt Marion Fire Department did own the entire property in question.
- The site selection in brief indicated an overall tower height of 124 feet.
- Mr Olson displayed a photograph with a circle representing the 'search ring', indicating where coverage was needed. None were in the industrial zone.
- Patti had questions pertaining to the coverage and said the maps included in the application required more detail in order to ascertain precise roads and areas of coverage.

- Mr Olson said that his RF engineer was in Texas but would be made available to the ZBA at the next meeting.
- Patti commented on how the search area request was significantly smaller than Verizon's previous request made only a few years prior.
- Mr Olson confirmed the Fire Department site is not in an industrial zone but the site is the highest priority of 4 considering that priority levels 1 through 3 would make use of existing structures.
- He indicated that the Mt. Marion Fire Department and Saugerties Police Department were supportive of the project as it would improve their services with repeaters being deployed rent-free.
- Patti indicated that the board needed the engineer to explain why the tower couldn't be located in the industrial zone.
- The set back requirements were addressed by Mr Olson. The requirement calls for a set back of 1.5 times the tower height. In this case there is only 19 feet available in one of the directions.
- It was noted that the proposed Verizon lease area would include a wetland buffer, but the tower itself would not be built in the wetland. .
- Jeanne asked if Verizon was prepared to work with the DEC for permitting to which Mr Olson replied in the affirmative.
- Jeanne asked if Mr Olson would transmit their concerns and questions to the engineer. Again, Mr Olson agreed.
- Jeanne opened up the floor to questions.
- Patti sought clarification from Mr Olson for the 11/13/2019 letter which erroneously stated that the ZBA had recommended the fire house as a tower site. The application indicated that the ZBA had previously suggested the location in more than one instance. Mr Olson made notes and said the record would be corrected.
- Patti asked if the ZBA could receive a more specific overlay that would indicate potential cell coverage. Mr Olson agreed to do so. He said he would provide distances and explained how it was the 2100MHz transmission that needed augmentation.
- Patti also commented that the Verizon application indicated only 2 cell towers within the town of Saugerties when there are in fact 4: Goat Hill, Town Hall, Centerville and Malden.
- Mr Olson explained the strategy of trying to maximize utility before installing new towers. He displayed the fill in information to the board.
- Patti observed the increased coverage seemed to be primarily to the North of the proposed tower.
- Mr Olson said his documentation indicated service and potential gaps. Too much saturation in an area can actually lead to interference.
- Patti questioned why the application emphasized the need to off-load the Kingston towers' over capacity to the proposed Mt. Marion tower and asked if this would be done at the expense of Mt Marion consumers.
- Jeanne asked Mr Olson to explain the relationships between coverage and capacity for cellular systems.

- Jeanne brought up the fact that the tower would be leasing less than 1/20<sup>th</sup> of an acre (1500 sqft)
- Mr Olson explained that the footprint would include a generator and fuel tank.
- Patti asked if the fire house itself would be guaranteed coverage or if it would be so close to the tower that it could fall within a “no signal” area. Mr Olson promised the engineer would answer all technical questions at the next meeting.
- Jeanne reminded Mr Olson about the January 22 deadline for material submissions to be considered for the February 3 meeting.

**Discussion:**

- Jeanne suggested that SEQRA discussion be postponed until after we receive more information at the next meeting with Verizon.
- George commented that the town would need to hire their own RF engineer and the board agreed.
- Sam asked if Verizon would be responsible for any liability surrounding the tower. Jeanne indicated that the lease provided for coverage for a variety of potential claims.
- Jeanne asked Alvah if he knew of any catastrophic tower collapses and neither he nor Paul were aware of any but suggested further research.
- The board was encouraged to make a site visit before the next meeting to see the exact dimensions of the 30x50 foot parcel in question and its relationship to neighbors and property lines.
- Jeanne indicated that after subsequent matters are addressed by the ZBA, the application will need to be sent to the Ulster County Planning Board for its input.
- December minutes were voted on and approved after Patti suggested one change. Sam moved to accept with Tim seconding. Motion passed unanimously
- The board opened up for comments on the Puttin Plus/Elkind application.
- Sam commented that the board had asked for precise measurements on the distances between the applicant’s property and the neighboring properties, but they were not provided. She measured a 6.5 foot clearance on the one side and felt that would not allow for drainage and maintenance on the structure.
- Jeanne noted that she was troubled by the large size of the requested variances and that the front variance was asking for 50% and even more for the side. The board did not have issue with the height request but was troubled by the side in particular.
- Patti motioned to deny the application on the side and front requests. Sam seconded. Discussion followed.
- Jeanne asked if Tim had visited the applicant’s site. He said he had and found the track’s proximity to the property line to be extremely tight.
- Jeanne made note of safety issues should the board approve.

- The board considered the Area Variance request based on the five criteria regarding the balancing test that states that the board shall balance benefit to the applicant with detriment to health, safety, and welfare to the community:

1. It was determined that an undesirable change would be produced in the character of the neighborhood and/or a detriment to nearby properties would be created. The requested left side yard and front yard area variances would put the proposed structure too close to neighboring properties.
2. There is no other feasible method for the applicant to pursue, other than area variances because of the layout of the property.
3. The requested variances are substantial. The requested front yard variance of 25 feet is 50% of the required setback of 50 feet. The requested left side yard variance of 20 feet is 67% of the required 30 foot setback. The 15 foot height variance is moot since it will not be required without the front and side yard variances.
4. The proposed variance would have an adverse effect or impact on the physical or environmental conditions of the neighborhood. The requested decreased setbacks would not allow for drainage and maintenance of the applicant's property and therefore could have an adverse effect on the neighboring properties.
5. The alleged difficulty was determined to be self-created since the owner has now requested approval to cover a pre-existing track.

Jeanne called for a roll call vote:

Jeanne Goldberg voted to deny  
Samantha Dederick voted to deny  
Patti Kelly voted to deny  
Tim Scott voted to deny

The vote was unanimous and the request denied with regrets. The board appreciates Ms Elkind's contribution to the community and wishes her commercial success in all endeavors.

- Tim motioned to adjourn. Sam seconded. Motion passed unanimously.
- Meeting adjourned at 8:43pm

Respectfully Submitted,  
Kevin Freeman  
ZBA Secretary