



# TOWN OF SAUGERTIES

## ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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### Meeting Minutes June 6, 2016

Meeting started at 7:02pm with the Pledge said by Joe Mayone.

**Present:** Jeanne Goldberg, Samantha Dederick, Joe Mayone, Donn Avallone

**Absent:** Henry Rua; zba member, Brian Sawchuk; zba member, & Alvah Weeks, Jr., Building Inspector,

**Also Present:** Mr. Kline, E.Hyde Clarke; Verizon representative, Dan Shuster; Town Planner; James Bruno, Town Board Liaison, Residents of Town to listen to Verizon Application.

~ Jeanne asked that Donn join the meeting as a full member due to 2 members being absent.

#### **PUBLIC HEARING:**

Kline, Darren  
3 Rose Ln.  
Saugerties, NY 12477

File#: 16-0001  
SBL#: 18.77-6-8

- Appeal started at 7:05pm.
- Mr. Kline present
- Mr. Kline gave all the certified return receipts he got back in the mail.
- Jeanne asked if the applicant had anything else to add, no he did not.
- Jeanne stated to the applicant you are looking for a 5' side yard variance making the addition 10' off the side property line. Yes, no changes.
- Jeanne asked the Board if they had any additional questions, No.
- Jeanne asked the public present if they had any questions. The public present was not present for this appeal. No one was there for the public hearing.
- Motion was made by Samantha and 2<sup>nd</sup> by Joe to close the public hearing. Vote was taken, 4-0. Public Hearing was closed.
- Mr. Kline was informed that the Board now had 62 days to render a decision and once that decision was made he would receive it within 5 business days.
- Mr. Kline thanked the Board and left.
- Public Hearing ended at 7:07pm.

## **OLD BUSINESS:**

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

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

- Property located at 679 Schoolhouse Rd. in Ruby/Mt. Marion area of the Town of Saugerties
- Property is owned by Amalicia Addrizzo who resides at 26 Naughtright Rd. Long Valley, NJ 07853
- E. Hyde Clarke, was in attendance at the meeting representing Verizon Wireless from the firm Young/Sommers LLC
- Jeanne gave a bit of back story on this project stating that it came in-front of the Board back in March of 2015 only to be sent to the Planning Board for them to take on lead agency and determine the SEQRA and once that was completed the Applicants would then come back to the ZBA to determine the Variance(s) being requested.
- The applicants are requiring a Use Variance and two Area Variances now.
- Jeanne made clear to the public present that this meeting is not a Public Hearing and they are not able to ask questions or talk tonight but will be able to speak at the Public Hearing.
- Jeanne asked Mr. Clarke to discuss what has changed or has been added to the application.
- Mr. Clarke stated that the original tower was to have been 150' high but now it will be 135' high which is the minimum height to get adequate coverage. They are seeking a Use Variance to put the tower up in the Moderate Density Residential District (MDR) because it is not allowed by Zoning Law and because it is close to a potential Historical parcel/building they need and Area Variance because they are not 1500' away from said historical building. They did supply all this information to State Historic Preservation Office (SHPO) and SHPO stated that there would be no effect to the surrounding house deemed historical (see application). The need for the tower has been determined through research, the company's ARF has looked at other sites for this project that covers the drop zones and this is the best site. Mr. Clarke stated that he would like the Public Hearing scheduled for the July meeting.
- Mr. Shuster also stated history on this project and discussed the SEQRA and other steps that need to occur for this appeal. This appeal will need a Use Variance since Cell Towers are not allowed and it will need two (2) area variances, 1 for height of tower within relation to historic houses and 1 for the distance from the house to the tower. They will have to get the Use Variance 1<sup>st</sup> before the Area Variances.
- Verizon was asked how far away the tower be from the house, the application says 800'-900'. Board said that is too big of a difference that they will need the exact distance from the house to tower and property line to tower.
- Dan Shuster will need to find out if this needs to be referred to the Ulster County Planning Board (UCPB).

## **VERIZON OLD BUSINESS CONT'D:**

- Donn asked what the law is that Mr. Clarke keeps referring to in the matters of the Use Variance and following different rules with determination of passing the appeal. Cellular Telephone Company vs. Rosenberg (1993) (see packet)
- There was also a suit filed by Consolidated Edison vs. Hoffman in the 1970's, (see packet).
- Jeanne asked the Board if they had more questions, no
- Jeanne had questions. She mentioned that the packet says tower height is 135' with a 4' lightening rod but in some areas of the packet it says 150' with lightening rod or 140' high with a 4' lightening rod. She would like this clarified.
- Mr. Clarke said that the final height will be 139' including the 4' lightening rod.
- Please send new packet with the changes. Mr. Clarke would.
- Jeanne also mentioned that distance from the historic house known as the Conyes House states that it will be 800 to 900 feet away. We need the exact distance. Please update. Mr. Clarke said he will confirm that and get it in to the Board.
- SHPO was notified of this project, they see no issue (see application for their response).
- Mr. Shuster asked that for next meeting that they bring bigger pictures for the public and Board to see. Board agreed.
- Pinpointing the distance from historic structure to tower is very important
- Board had no more questions.
- Mr. Clarke asked that we schedule the public hearing and send all needed information to the Ulster County Planning Board as he wishes to keep this project going.
- Motion made by Joe to schedule the public hearing for July 11, 2016 and 2<sup>nd</sup> by Donn with a vote of 4-0 the public hearing has been scheduled.
- Motion made by Jeanne to send the application at hand to the Ulster County Planning Board for review if found necessary. Sam 2<sup>nd</sup> motion. A vote was taken, 4-0. Information will be sent to UCPB if deemed necessary.
- Appeal ended at 7:55pm.
- Applicants were given all the information to send out to the surrounding homes within 500' of project.

## **DISCUSSION(S):**

1. Jeanne made the motion to accept the minutes from May's meeting as written, Sam 2<sup>nd</sup>. Vote was taken 4-0, minutes accepted.
2. Planning Board minutes received by all members.
3. Public Hearing is scheduled and voted on for Verizon.
4. Jeanne asked Mr. Bruno if it was ok to contact Mr. George Redder, Esq. (town attorney) and ask him to attend the Public Hearing scheduled for 7/11/16, Mr. Bruno saw no issue with this. Jeanne also asked if ok to have a legal secretary to come to take all notes, Mr. Bruno agreed with this as well. Board members present discussed attending a class in Hyde Park NY to get their annual training hours.

**DECISION:**

Kline, Darren  
3 Rose Ln.  
Saugerties, NY 12477

File#: 16-0001  
SBL#: 18.77-6-8  
Re: 5' Side Yard Area Variance

At a meeting of the Zoning Board of Appeals held on Monday June 6, 2016 the above appeal was considered and the following was determined based on the five (5) 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. There would be no undesirable change produced in the neighborhood nor detriment created by granting this variance. The properties in this area are all close to the property lines.
2. There is no other feasible way to pursue this variance due to the layout of the house and the existing pool and deck in rear property.
3. The requested variance of 5' is not a substantial variance.
4. There will be no adverse effect or impact on the physical or environmental conditions of the neighborhood by granting this variance.
5. The alleged difficulty was self-created however, the property in question is small and boundaries of neighboring properties would give owners reasonable expectation that it would be allowed.

A motion was made by Samantha Dederick to approve the requested area variance of 5' for the applicants to construct an addition 15' x 28' which was 2nd by Joseph Mayone.

A vote was taken:

Mayone – yes, Avallone – yes, Dederick – yes, Goldberg – yes.

Therefore by a vote of 4-0 the motion is passed and the appeal is granted.

- ~ Secretary will send decision to applicants.
- ~ Secretary will ask for July's meeting to be set up like a Town Board meeting.

Motion was made by Joe to adjourn the meeting, 2<sup>nd</sup> by Donn vote taken 4-0.  
Meeting ended at 8:27pm.

Respectfully submitted,  
Kathleen Cappello, Sect.