



**TOWN OF SAUGERTIES
ZONING BOARD OF APPEALS**
4 High Street Saugerties, NY 12477
Tel: (845) 246-2800, ext. 333
Fax: (845) 246-0461



**June 1, 2020
WebEx Meeting Minutes**

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

Absent:

Also Present: Paul Andreassen: Town Board Liaison, Scott Olson: Attorney Young Summer LLC, Mike Crosby: Verizon Engineer, 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 at 7:03pm
- 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:

**Tarpon Towers II, LLC & Verizon Wireless
RE: Mount Marion Fire Department
766 Kings Highway
Mt. Marion, NY 12456
File #: 19-0006
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SBL #: 28.4-11-13.100**

Jeanne began discussion with the SEQR since no decisions can be made without it. All members should have received the SEQR assessment form prepared by Dan Shuster. The first step is classification. Jeanne motioned that the classification be unlisted. Patti seconded. Role call vote was unanimous in the affirmative.

SEQR designation was next. Jeanne noted the visual study on page 4. She asked who was representing the analysis. Scott Olson responded to the queries. He affirmed the balloon test was undertaken and documents show the various simulations. He acknowledged the tower might be seen from the Cockburn House, but in the foreground, you can already see the high tension power lines that are pre-existing.

Jeanne asked about the orientation of page 17, the Kiersted House. The direction said it was facing SouthWest but the picture was taken due East. It was assumed to be a typo.

Patti asked about S27/P27 of the fire house with the current tower. Was it 80 feet? The new tower is supposed to be 124 feet and they looked like the same height. Dan suggested it as an issue of perspective.

Patti asked about S34/P34 S34 says installation says it will not be visible, but it is in the simulation. Scott replied it must be a typo and referred to S35.

Dan inquired about P11 indicating that both balloons are visible, but there is no simulation to show what it would look like. Scott said he would check why the simulation was missing.

Holly inquired about the two balloons. It was explained that there is a 200-foot marker balloon, with the other at the height of the tower at 120 foot.

Jeanne closed discussion of the EAF. She motioned that the application received a negative declaration. Read from the analysis of all relevant and probably environmental impacts. The town determined that there will be no significant adverse environmental impacts and no Environmental Impact Statement will be required. Tim seconded. No discussion. Roll call vote was unanimous in favor.

Discussion began on the Monroe Decision. Dan spoke of the decision of more than 20 years ago where the City of Rochester took Monroe County to court over an airport that was proposed for the city and it went to the state's highest court. There are similarities with the Centerville decision where it was determined that the fire department is a separate governmental entity and potentially immune from provisions of the Town Zoning Law. It is within the power of the ZBA to schedule a public hearing.

George encapsulated that the purpose of the night's discussion and the power of the ZBA to call the public hearing.

Scott asked that the ZBA could hold a single public hearing for the balancing test but also the project in general.

George replied that the purpose of the public hearing would be for the public to be informed.

Patti said that the subject of a public hearing is rarely adhered to when the public has questions beyond the scope of the project or even the Monroe Decision.

Scott outlines worst case scenario, where people may notice the hearing for one purpose and then show up for another purpose.

Patti asked George if the two matters could be combined. He did not see that as a problem.

Patti addressed the balancing act but noted that alternate locations were not tested. That the board took Mr Crosby's assertion, but no tests were run.

Mike Crosby said the Industrial Zone was not suitable considering the small size of the site.

Patti was not comfortable with the wording that it was never tested. Scott said they could change the wording.

Henry discussed other sites within 800 feet of the firehouse. Doesn't think that Verizon explored alternatives.

Scott said it was all explained to Ron.

Mike mentioned undisclosed future sites that will dictate the placement.

Ron spoke, allowing that he is an independent contractor. He said that he looked to the Industrial Zone and noted that the propagation analysis was not done. There is no evidence in record of alternative sites. No topographic maps. He was unsure of the search ring and scale of maps. He spoke to engineering purity and said this was a 'build to suit' site and Tarpon's job was to support all 3 carriers – Noting that the tower height can be increased up to 10% without applying for variance.

Mike replied that the search ring did have a scale and the ring is 2000' in diameter.

Ron asked why the search was limited to ¼ mile and not using a 1000 foot search ring.

Mike said that they had run hypotheticals in the Industrial Zone and sent to Scott. Patti asked the report to be shared to the board. Scott couldn't find it immediately.

Holly asked if the board could be supplied with a book of maps for the Industrial Zone like was given for the present site.

Scott noted that there are no maps for capacity, only coverage.

Mike defended the analysis as a standard format and determinations.

Holly asked about finding and determinations.

Scott offered to put together a defensible document that can be completely supported.

Henry asked for clarification if the property belonged to the Fire Department or the county. Scott answered it was owned by the Fire Department. Henry asked to have that in writing.

George asked at what height the studies were done

Ron asked to see overlays. He mentioned that in the last 3 hearings for Verizon in other towns, all went to court and the municipalities lost each time. He asked to see base map with proposed coverage and overlay with alternate sites marked.

Mike said Verizon will provide maps showing delta analyses with alternate sites.

Jeanne was hoping to set the public hearing for the 7/6 meeting with 6/24 the cut off for materials.

Ron asked if Verizon has spoken with any property owners about the project.

Mike said he could provide the alternate site documentation by 6/19 and Ron can review in time for a 7/6 hearing.

Patti motioned for a 7/6 public hearing, Jeanne seconded. Motion passed unanimously.

Discussion:

Previous minutes were amended with the following corrections: Consistent spelling of Mr Agitaz' name, instructions for letters and the omission of a single letter being undeliverable in the third paragraph. Motion to accept made by Patti with Tim seconding. Passed unanimously.

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

Meeting adjourned at 8:49.

Respectfully Submitted,
Kevin Freeman
ZBA Secretary

DRAFT