

**February 1, 2021
WebEx Meeting Minutes**

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

Also Present: Dan Shuster, ZBA Planner; Dennis Doyle, Director of the Ulster County Planning Department; George Redder, ZBA Attorney; Kevin Freeman, Zoning Board Secretary

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

Jeanne took roll call of ZBA members and, with full attendance, announced a quorum of 5 members was reached.

Jeanne asked the meeting be limited to 2 hours.

Jeanne announced that the application of Tarpon Towers/Verizon Wireless at the Mt. Marion Firehouse was on hold but continued open at the request of the applicant. The applicant has requested to appear at the March 1, 2021 meeting. There will be no discussion on this application at this meeting.

She asked that the public stay informed about this application by monitoring the ZBA page on the town website for any further information.

Public Hearing:

Jonathan Delson
18 Brown's Lane
Saugerties, NY 12477
File #: 20-0006
SBL#: 17.3-3-8.200 & 17.3-3-8.100

These 2 variances concern 2 adjacent properties, both owned by Mr. Delson. This is a request for an area variance of 11.1% for a lot line revision to lot 17.3-3-8.100 that will result in increasing the insufficient area of an already undersized lot. Lots in this Moderate Density Residential zoned district require a 1-acre minimum area. This lot currently has an area of 0.919 acres and would have an area of 0.889 acres after the desired lot line revision. This lot line revision will result in a house located on lot 17.3-3-8.200 that currently extends 4.2 feet into lot 17.3-3-8.100 being entirely on the first lot but having insufficient side setback from the new lot line. This lot line revision will therefore also require an area variance of 19.2 feet for the side yard setback.

Before we begin the Public Hearing on the application, the ZBA must make a determination on SEQRA.

Jeanne made the motion that the SEQRA designation is Type II 617.5(c)(16) and (17). Joe seconded. The motion passed unanimously, thus completing the SEQRA process.

Mr. McCarthy of Praetorius and Conrad spoke to the details, saying Jeanne had explained the application perfectly. Mr. Walter added that he and Mr. Delson were fine to proceed.

Mr. Dmitri Tverskoy, a neighbor with adjoining property, asked a question about whether an earlier variance had been given for a setback. Patti asked if Mr. Walter could speak to Mr.

Tverskoy's concerns about additions to the house. Mr. Walter responded that he didn't have information about previous construction but it wasn't the subject of this application.

Jeanne asked if Mr. Tverskoy had any further questions. He said he only wanted to find out when the previous variances were granted. He said he contacted the Building Department but they did not get back to him.

Patti reminded all that the original house was built in 1974 and prior to any zoning ordinances. Mr. Tverskoy was not interested in the present variances. No other member of the public had any comment.

The Board, having indicated readiness to vote on the 2 Delson appeals, discussion began.

Jeanne read the following:

In making its determination the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider the following 5 points:

1. Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created. Patti noted that all of the properties in this small neighborhood are close to each other.
2. There is no other feasible method for the applicant to pursue, other than an area variance, because of the layout of the property. The only other alternative would require moving the house, which is not feasible.
3. The requested variances are not substantial. Neither requested variance is substantial.
4. The proposed variances would not have an adverse effect or impact on the physical or environmental conditions of the neighborhood.
5. The alleged difficulty was determined to be self-created but was done erroneously because of previous survey errors and unclear markers.

Therefore, a motion was made by Patti to approve both of the variances and this was seconded by Tim. By a voice vote of 5-0 the motion was passed unanimously and the appeal is approved with the understanding that the applicant must still approach the Planning Board for a lot line adjustment.

Goldberg, yes; Kelly, yes; Scott, yes; Rua, yes; Mayone, yes.

New Business

Michael Maclsaac
1632 Old Kings Highway, Saugerties NY
File #: 21-0001
SBL #: 8.4-7-37
Zoning District: RH/HDR

Applicant is requesting an 11-foot side yard area variance to construct an 8 foot x 14 foot carport. Side yard setback requirement is 25 feet.

Mr. Maclsaac explained that he needed a storage shed for a small travel trailer. It would be more visually appealing than just the trailer parked or a tent.

Jeanne told Mr. Maclsaac that before considering a Public Hearing, a SEQRA designation would be required. Jeanne made the motion that the variance be classified as Type II. This was seconded by Henry. The SEQRA designation was approved unanimously.

Patti made the motion to set the Public Hearing for the March 1 ZBA meeting. Joe seconded. The motion passed unanimously.

Mr. Maclsaac was instructed on how to send out the required certified, return receipt requested letters to everyone within 500 feet of his property line, notifying them of the Public Hearing on March 1, 2021.

Public Hearing:

Ulster County Public Safety Radio Tower
35 Quarry Road, Saugerties
Dennis Doyle, Director, Ulster County Planning Department

Mr. Doyle presented the proposal by Ulster County to construct a 180' Public Safety Radio Tower at 35 Quarry Road in Saugerties. The County is seeking a determination under the Monroe Balance of Public Interest test for this facility. This is appealed to the ZBA under Section 245-38 "Public Projects and Improvements" of the Town of Saugerties Zoning Law.

This is a continuation of the public hearing of December 7th, 2020.

Mr. Doyle said he had hoped to provide visual simulations from Stay and Church Roads, but the Emergency Management Services was unable to do so within that time-frame. There was no new information to present.

Mr. Doyle said that the balloon test take place on Feb. 18, 2021. In the event of inclement weather or high winds, the test will take place on Feb. 19. He said they usually do the balloon test early in the morning, so people should expect to see the balloon by 9 a.m. He said pictures would be taken at the Methodist Church and the end of Church and Stay Roads, including shots from Mr. Kordich's property. Mr. Doyle said an ad will be placed in the local paper.

Patti suggested photos from every property on Church St. and Stay Roads that are visible, in whole or in part, to the photographer. Mr. Doyle said he didn't have permission to be on private property. Patti asked if individuals could provide permission. Mr. Doyle said that would be fine. Residents can email their permission to ZBA Secretary Kevin Freeman who will send the on to Mr. Doyle. Jeanne reminded Mr. Doyle of the historic church site at 24 Church Road that is owned by Allen Bryan. It is eligible for inclusion on State and National Register of Historical Places. Mr. Bryan gave his permission for the photographer to enter onto his property.

Patti suggested that the tower might be visible from at least two houses and maybe more on Rifka Estates off Harry Wells Road. She suggested they be included and any others that are visible to the photographer.

Jeanne reminded any interested parties could send requests to the ZBA secretary to allow permissions for photographs to be taken on properties of individual residences. The public was reminded to check the ZBA website for the latest information. Jeanne asked if the public would like the notices also posted on Channel 23. The consensus was yes.

Patti told Mr. Doyle said the ZBA had asked for a more detailed explanation of alternate sites. She said she went on 'antennae search' and found the tower on Mt Airy to be the same height as the proposed tower (180'), but the elevation was much higher. She asked Mr. Doyle if that tower was investigated. He responded that the Mt Airy tower was not capable of supporting the proposed equipment. Jeanne asked if another tower could be built nearby. Mr. Doyle said they would need the same application process and reminded everyone that the proposed Quarryville site was already county property. Patti mentioned that the County has leased properties for other towers and hoped that ownership was not the major consideration in this case. Jeanne also mentioned that the Balancing of Interests criteria specifically asks about alternative sites, so our requests for detailed information are not meant to be argumentative. Rather they are meant to provide information to the ZBA for its decision-making.

Patti asked about other locations. Mr. Doyle said the coverage analysis required this location. Patti said for the future it would help to have radio engineers available to provide clarity and detail. Mr. Doyle communication towers are not permitted uses in any zoning district which is why the Balance of Interest test is being employed.

Jeanne opened up the meeting to the public with the request that comments be limited to three minutes.

Bill Harrison spoke, saying there were 22 acres available in the Quarryville area owned by the County. He asked if the tower could be positioned somewhere else within that area. Mr. Doyle said the site was already at the furthest back end of the property. Patti asked about the adjoining property owned by the County. Mr. Doyle said it was rough and would require a road to be built, and it was not a place to construct a tower. Patti and Mr. Harrison indicated that they would like to see a hard copy of the survey. Mr. Doyle said they had provided the site plan. Patti said the survey, with both sites indicated, would be helpful. Mr. Doyle said the secondary parcel was not surveyed. Jeanne asked for justification for the height of the tower, and Mr. Doyle said he's needed his RF engineers to speak that. He said they would build a smaller tower if they could.

Patti asked if there will be a cost for our town's emergency services to use the tower. Mr. Doyle said no. Just the opposite. This tower will significantly help their communications within the county's 911 system. Mr. Harrison asked why both cell phones and radio transmissions seem to be needed by our emergency services. Mr. Doyle couldn't speak to cell service, but said that would be a great question for his RF engineer. He also said this tower is not designed for cell technology.

Jeanne said she recalled Mr. Doyle saying there would be no lights on the tower. Mr. Doyle said there were no FAA or FCC requirements for lights.

Hearing no other questions from the public, Jeanne closed the public comment portion of the meeting.

Patti asked about minutes to be approved. She moved to accept the January minutes. Jeanne seconded. Passed unanimously. Patti moved to adopt the December minutes. Jeanne

seconded. Passed unanimously. Patti moved to accept the November minutes. Tim seconded. Passed unanimously.

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

Meeting closed at 9:25 pm

Respectfully Submitted,
Kevin Freeman
ZBA Secretary