



ZONING BOARD OF APPEALS
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December 14, 2021
Meeting Minutes
Special Public Hearing for Verizon
17 Industrial Drive Application

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

Also Present: Kevin Freeman, Zoning Board Secretary, John Lyons, Kim Garrison, Scott Olson, Brett Buggeln

TARPON TOWER II, LLC & VERIZON WIRELESS - DECISION

17 Industrial Rd.
SBL #: 28.4-2-38.600
File #: 21-0080

Chairwoman Patti Kelly called the meeting to order at 7:00 pm. She took roll call and announced there was a quorum of members in attendance. She asked that Holly join the board as a full member for this application and Holly accepted.

Patti asked for a motion to call the public hearing to order. Tim did so and Henry seconded. She explained that there were two documents submitted after the closing of the previous hearing. One was from Mr. Olson, responding to Mr. Greco's previous comments, and one by Mr. Kilby. Those documents had been posted on the ZBA website. She asked that participants limit their comments to those documents and keep to a maximum of five minutes.

Mr. Greco spoke first and addressed Mr. Olson's letter. Mr. Greco said he accurately relayed to the ZBA a conversation he had with Arthur Green about Verizon's interest in leasing his water tower on Kings Highway and how the negotiations fell through because of a dispute over the terms of the lease. He stands by his comments. He was contacted by Mr. Green, not the other way around, and there was certainly no secret meeting that was alleged in Mr. Olson's letter. Mr. Green told John Greco that he was quite surprised that Verizon was trying to cite a tower so close to residences. Mr. Greco said that the fact that Mr. Green got his cell tower companies mixed up and later clarified it at the Planning Board is no reflection on his or Mr. Greco's truthfulness. He said that Mr. Olson is deflecting from the main issue of the cell tower's problematic location and that requested variances were dangerous.

Mr. Gordon spoke as attorney for Greco and several neighbors. He highlighted two points. First, he noted that the applicant in his letter had taken an abusive approach to this application and towards Mr. Greco personally. He said the commentary has gotten out of hand personally. He quoted from a section of a 1992 legislation to protect people against a slapp suits. He also

corrected a comment by Mr. Olson attributed to him in reference to the public utility standards. Mr. Gordon emphasized that he never said the standard was inapplicable to area standards.

Mr. Berg spoke, representing Ms. Turco-Levin. He said Mr. Kilby's communication to the Planning Board should not be considered by the ZBA. He noted that Mr. Kilby has an obvious economic self-interest in having a tower at his property located at 37 Industrial Drive. He felt the letter should not be part of the record for this application.

Patti repeated what she told all the attorneys earlier in an email. Personal attacks on anyone's character would not be tolerated and won't win points with the ZBA.

Ms. Turco-Levin went next to say that Mr. Kilby's letter didn't apply to the current application.

Mr. Smith had questions for Verizon's engineer. Mr. Olson explained that their RF Engineer was not available. Mr. Smith asked what types of frequencies would be carried on the tower. Mr. Olson said the tower was primarily for 4G, although the 3G spectrum was still in use. Mr. Smith asked what distances were covered by 3G and 4G. Mr. Olson said there were too many variables for him to answer concerning frequencies, clutter and topography. Mr. Smith asked if Mr. Olson had access to Ulster County Parcel Viewer. He said he believed the tower should be placed at the Thruway pull-off, only 1.6 miles from the proposed location.

Patti asked that comments be limited to the subject of this specific hearing.

Mr. Buggeln said that his company, Tarpon Towers II, had been publicly disparaged. He asked for respectful communication. He thinks open discussion is warranted, but we need to respect each other.

Ms. Desch said that Verizon had not explored alternative sites within the search radius. She asked that more research be done in finding a suitable location. She said Verizon hasn't taken alternate suggestions seriously.

Mr. Olson addressed the Kilby letter, saying they had reached out to Mr. Kilby, as detailed in the site analysis documents. The main problem was that he was not able to come to terms with Mr. Kilby on a lease. There is a building on the site, but the site is still technically feasible. He said his letter regarding Mr. Greco, was not an attack and wasn't personal. He said that Verizon was not intending to pursue a slapp suit as a threat, but that they have a right to question the facts and challenge lies.

Patti asked Mr. Olson about the Kilby letter. She said that two site maps with viable sites were developed for the Kilby property, but the ZBA had only been shown one. She asked why the ZBA had not been shown a second site plan, finding the omission problematic, Mr. Olson said he only submitted the map that Mr. Kilby was agreeable to.

Henry asked if the property owner has the right to ask where the tower should be located. Mr. Olson said the owner can determine the site. Henry asked about owner input at the 17 Industrial location. Did they agree to the revised site? Mr. Olson said the property owner was agreeable. He also challenged Mr. Olson for making statements on what he "heard" and asserting those comments to be factual, yet he challenged Mr. Greco for doing the same thing.

Mr. Crocitto said he did a search online for alternative locations within the search area and wanted to know why those sites were not considered. Mr. Olson said he thought Mr. Crosby addressed these questions in a previous hearing and he was not familiar with those properties. Mr. Crocitto said that it was Verizon's responsibility to look at all viable locations, particularly sites along the Thruway far from residences that offered tree cover. He mentioned the Central Hudson and Fehr Brothers properties long the Thruway. Mr. Olson said they already had viable sites. Mr. Crocitto said they are not viable if they are so close to homes and require huge variances.

Kim Garrison asked that comments be directed to the board, not between participants.

Patti made a motion to close the public hearing. Joe seconded. Patti, Henry, Joe, Tim and Holly voted yes. Patti said the ZBA hopes to have a decision on the application at the January 6th meeting.

Henry moved to adjourn the meeting. Tim seconded. The motion passed with Patti, Henry, Joe, Tim and Holly voting yes.

The meeting was adjourned at 7:47 pm.

Respectfully Submitted,
Kevin Freeman
ZBA Secretary