



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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November 7, 2016

Meeting Minutes

Present: Jeanne Goldberg, Samantha Dederick, Henry Rua, Joseph Mayone, Donn Avallone, Patti Kelly, alternate

Also Present: Attorney's for Young/Sommers representing Verizon, Frank Marzullo & Joe Hommel for Ashley Homes LLC, Town Board Liaison James Bruno, Town Building Inspector Alvah Weeks, Town Attorney George Redder, Khattar Elmassalemah from Praetorius & Conrad representing Glasco Apts., Mr. John Lyons, Esq., Mr. & Mrs. Lindquist, and Mr. & Mrs. Amell.

~ Jeanne opened the meeting at 7pm with Joe starting the Pledge.

~ Jeanne introduced the ZBA members and other Town attendees and gave overview of ZBA functions.

NEW APPEAL:

Glasco Apts. LLC
224 Old Rt. 32
Saugerties, NY 12477

SBL#: 29.46-6-20.100
File#: 16-0003

- Project located at 38 Glasco Tpke in the Hamlet of Glasco and is zoned Residential Hamlet (RH).
- Appeal started at 7:10pm.
- Applicants wish to turn 1st floor of their 2 story building into 2 two bedroom units for rent.
- The 2nd floor is currently 2 two bedroom units. The bottom floor use to be a deli/market.
- Applicants are seeking an area variance in order to do this.
- Project representative Khattar Elmassalemah from Praetorius & Conrad present for the applicants. Khattar gave the Board smaller versions of the site plan proposed. Stated that the owners did not want to pay for plans of the layout if this would be denied. The owners of the building have been trying to sell/lease/rent the bottom floor for a commercial space but they have had no luck due to the parking issues. They feel they would be able to get more out of the building if they could turn the bottom floor into the apartments.
- Henry has questions with the side road being owned by the Applicants or if it is a road. Khattar stated that the owners own it. Henry wants clarification on who really owns this access road due to the site plans stating it would turn into parking spaces.

NEW APPEAL CONT'D:

- Due to many unanswered questions on the size of the entire building, lot size, and proposed project the Board discussed holding off on scheduling the public hearing until information has been submitted.
- Joe made the motion to wait until the December meeting to schedule the Public Hearing, 2nd by Donn. Vote was taken 5-0 all were in-favor. Khattar will get the information requested.
- No SEQRA was determined at this time.
- Appeal ended at 7:22pm.

PUBLIC HEARING:

Ashley Homes LLC
3736 Rt. 32
Saugerties, NY 12477

SBL#: 8.2-5-33.100
File #: 16-0002

- Public Hearing started at 7:23pm. Owner Joseph Hommel and Frank Marzullo from Sure Fire Sign Inc. were present.
- Certified Return Receipt cards were turned in at start of meeting.
- Jeanne informed the applicant that she contacted the Ulster County Planning Board and they stated they did not need notification of this Interpretation.
- SEQRA was determined at last meeting as TYPE II 617(c)(31)
- Mr. Marzullo came forward to address the Board. Restated that they can control the sign in all aspects (lighting/brightness, message, speed, etc.) He also had a case study of 200+ pages if anyone on the Board wanted a copy pertaining to how signs like this do not affect/effect communities.
- Jeanne opened up to the Board with any questions.
- Henry mentioned that it is the flashing of the sign not the lighting or motion.
- Mr. Marzullo said that this sign will change every 8 seconds and it will go right into a new message.
- Jeanne asked when the case study was from, 2009, she did not want a copy.
- Jeanne opened the Public Hearing to public, no one present.
- No one had any more questions.
- Jeanne asked for a motion to close the Public Hearing, Motion made by Joe and 2nd by Henry to close the Public Hearing. Vote was taken, 5-0 all were in-favor.
- Public Hearing ended at 7:30pm.
- Jeanne informed the applicants that the Board now has 62 days to make their decision and once it has been made they will receive their decision within 5 business days.

DISCUSSION (VERIZON USE VARIANCE)

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

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

- Discussion on the Use Variance for the cell tower to be located at 679 Schoolhouse Rd.
- Started at 7:30pm.
- Mr. Olsen and Ms. Colman from Young/Sommers LLC were present.
- Mr. Olsen asked if there would be a Public Hearing on the Area Variance for the Cell Tower. Jeanne said after the discussion one will be held. He asked what the Resolution Jeanne wanted to read was for, she stated for the Use Variance.
- Jeanne with the help of the Town Attorney George Redder read the Resolution on the Use Variance she prepared, (on file with Town Clerk and in Verizon File).
- Jeanne made the motion to accept the resolution as written outlining the details on why the Board should deny the Use Variance. The motion was 2nd by Samantha to deny the Use Variance.
- Discussion was held with the Board. Sam agrees with all that is stated in the Resolution. Donn agrees with the resolution and stated that Verizon had a lack of preparation and never got the information into the Board that was requested of them. Joe supports the resolution as well, and stated that he wanted the economic cost analysis and it was never turned in, Henry had nothing to say.
- A voice vote was taken.
 - o Rua – Yes, Mayone – Yes, Dederick – Yes, Avollone – Yes, Goldberg – Yes
- Therefore, the Motion is passed and the Board Denies the Applicants Application in its entirety.
- Mr. Olsen does not feel that the resolution is based on the facts of what was submitted. He asked for time to discuss. Jeanne said no, that the Public Hearing was closed. Mr. Olsen stated that the silo issue was addressed and a letter was provided stating they were not available and the Mr. Boice was present if needed to discuss.
- Jeanne reminded Mr. Olsen that he could have addressed all of this at the October meeting that he did not attend. Mr. Olsen said that he was confused on the date of the meeting because the September meeting was on a Wednesday and that the date of the meeting was not on the web (the entire meeting dates are on the Town Webpage) and he thought that the October meeting would be on Wednesday too.
- Mr. Olsen also stated that Town Attorney John Greco told him that if they did not move this cell site they would have issues with our town. He handed the Board a flash drive with it recorded on it. Flash drive given to Town Attorney George Redder.
- Ended at 8:16pm.
- Mr. Lyons thanked the Board for their time and effort they put into this appeal
- Mr. Lindquist also thanked the Board.

PUBLIC HEARING CONT'D:

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

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

- Area Variances requested no longer need to be discussed due to the fact that the Use Variance to place the cell tower has been denied.
- Jeanne made a motion to cancel the Public Hearing on the Area Variances due to the denial of the Use Variance The area variances are now mute, 2nd by Henry. Voice vote was taken, 5-0 all were in-favor.
- No discussion will be held.

Discussions:

1. October 3, 2016 meeting minutes approved as written by Donn 2nd by Patti, vote taken 5-0. Minutes approved.
2. All received their planning board minutes.
3. No SEQRA to be determined at this time for the new appeal.
4. No Public Hearing set for new appeal due to more information being needed.
5. No one on the Board had additional information to discuss.

~ Henry made the motion to adjourn the meeting, 2nd by Joe. Vote taken 5-0
~ Meeting ended at 8:19pm.

~The next meeting will be held on Monday December 5, 2016 at 7pm at the Senior Center.

Respectfully submitted,
Kathleen Cappello, ZBA Sect.