



TOWN OF SAUGERTIES
ZONING BOARD OF APPEALS
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March 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; Ronald Graiff: ZBA RF Engineer; Deborah MacIsaac; Kevin Freeman, Zoning Board Secretary

Jeanne called the meeting to order at 7:03 pm.

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

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 April 5, 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.

Jeanne asked that the meeting be limited to 2 hours.

Public Hearing:

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

Jeanne asked for a motion to open the public hearing. Patti so moved and Joe seconded.

The motion passed unanimously.

Jeanne asked if there were any members of the public to speak to the application. There was no response.

At the February 1 meeting it was decided the application would be classified a Type 2 under SEQRA.

Deborah MacIsaac spoke expressing gratitude for the hearing and for consideration of their application.

Patti asked if the cards were returned. Kevin responded that he had possession of the cards which he would drop off at Town Hall and he had seen a picture of the returned cards.

Jeanne said that she had done a site visit and noted a large evergreen tree would effectively block much of the view of the proposed carport.

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 said that there were no objections from neighbors and saw no detriment.
2. There is no other feasible method for the applicant to pursue, other than an area variance, because of the layout of the property. Tim noted there appeared to be no feasible alternative.
3. The requested variances are not substantial. Joe said at less than 50% he didn't see it as substantial. Jeanne and Patti agreed.
4. The proposed variances would not have an adverse effect or impact on the physical or environmental conditions of the neighborhood. Patti thought it would make a more pleasing appearance for the neighbors than the large vehicle or a plastic alternative cover.
5. The alleged difficulty was determined to be self-created but not seen as a problem in this particular case.

Therefore, a motion was made by Patti to approve the variance and this was seconded by Tim. By a voice vote of 5-0 the motion was passed unanimously and the appeal is approved.

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

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.

Jeanne invited Mr. Dennis Doyle to present, followed by comments or questions.

Mr. Doyle introduced members from Emergency Services, C&S Engineering and Motorola.

Jeanne stated she had difficulty downloading the files; Kevin went to present the slides.

Mr. Doyle started with photo simulations, first from Church Road. He spoke to an alternate location within the same property, Option #2. He proceeded with the pictures and simulations from Church Road.

Then he described slides from Harry Wells Road and Old Rt. 32, Quarry Road and Old Rt. 32 and back to 66 Church Road and the Quarryville United Methodist Church. Only Option 2 is visible from the Church. Next were Stay Road, High Falls Road, Rt. 32, Rivka Road and back to Harry Wells Road.

Mr. Doyle spoke to the two sites and the different simulations. He asked for questions. Jeanne asked about the choice of yellow balloons on an overcast day. Mr. Doyle responded that it was the default for the consultants. Patti said neighbors would have questions. Jeanne agreed, and invited questions from the public.

Mr. Kordich spoke concerning his address of 66 Church Road and thanked the board for requesting a second balloon test. He complained the photos were only taken from one location. He said he would see the tower from all areas on his property. Jeanne asked if we could roll the slides back to the first set that were taken from Mr. Kordich's property. He stated he sent a photo to the ZBA and Mr. Doyle he took himself. He called the integrity of the project into question.

Ms. Pedrosa, who lives on Old Rt. 32 spoke next. She said on photo #16 the picture was not aimed at the tower site. Additionally, what was represented as 66 Church Road in photo #18 was actually on Old Rt. 32. She said the pictures were misleading and wondered why they were taken on an overcast day.

Mr. Baxter spoke next. He said he has 25 years of experience in radio technology. He owns 25 acres on Church Road and 15 acres on Stay Rd. He said the tower would destroy the aesthetic and value of his property. He asked about the Mt. Airy and Malden tower locations. He referred to photo #24b as how his view would be impacted. He inquired about the necessity of the tower and asked if there were details about the impact of not having a tower.

Mr. Doyle said the county would not build a tower they didn't need for both mobile and out of car communications.

Mr. Baxter asked about alternative locations, particularly three existing towers in the region. He said the option #2 location would be the least intrusive in his case.

Mr. Harrison said he understood there would be no visual impact from his property, but spoke up on behalf of his neighbors.

Mr. Kordich added that site 2 would be better than site 1 although either site would cause visual disruption and financial hardships.

Ms. Pedrosa objected to site 2.

Mr. Baxter reminded the board that the location is zoned residential and said the neighborhood already experienced hardship with the previous illegal tire dump.

Mr. Kenna, a C&S engineer, spoke to Mr. Kordich's concerns. He understood the impact. There was a small window to run the simulations. They did not have the option of choosing the date. Jeanne understood it was done during a difficult period given the time restrictions.

Jeanne said the request of this application was unusual considering the balance of interest element. It would not be an easy decision.

Mr. Bryan asked if anyone from Ulster County could speak to the alternate sites and co-location on existing towers.

Mr. Doyle spoke to the balance of interest test, stating the tower was a public safety facility, not cellular or commercial. He said they had investigated the Industrial Zone. Patti reminded Mr. Doyle that there had been persistent questions about the Mt Airy tower which already exists. Is it possible to put the proposed tower in that location? Mr. Doyle said the balance of public interests said Mt Airy is the same zoning district as Quarryville, not less restrictive. Patti said the tower on Mt. Airy is residentially zoned — the same as the proposed site on Quarry Rd.— but it is pre-existing before zoning was adopted. It is far less intrusive visually than the Quarry Rd. tower, and it is at a much higher elevation than the one the county is proposing. She said it is perplexing why the ZBA and the public can't get a direct answer as to whether or not it might be a viable alternate location.

Jeanne reminded the board that there is no less restrictive zone as there is no zone that would allow the proposed tower. Mr. Doyle said it would cost \$40,000 to \$60,000 per year to rent space on Mt Airy instead of using the property already owned by the county. Mr. Doyle said they were unwilling to explore locations within the same zoning restrictions.

Mr. Harrison asked about Mt Airy and the nine points of the Monroe Test.

Mr. Baxter asked theoretically how many people would die or be hurt if the tower were not constructed. Mr. Doyle replied the function of public safety is preventative. He said he would provide coverage maps.

He then referred to the mobile outbound coverage sites, the proposed site and an industrial zone adjacent to the Village. He deferred to Mr. Massy, a radio engineer.

Ron Graiff, the ZBA's RF consulting engineer, asked for a demonstration of need. He couldn't make sense from the proposed data or mapping. He was unsure if the proposal was for 800-900 MHz trunk towers, vs VHF/UHF bands. He asked for an alternate site analysis and an alternate height analysis.

Mr. Massy said the frequency was narrow band VHF. Ron questioned the use of this older technology when other counties have moved on to updated technologies.

Patti asked where the alternate site was. She was told it was off Rt. 212 by the shopping mall. Patti said that location was the Village, but was told it was an industrial zone within the town. Mr. Doyle said there were fewer restrictions in existing industrial zones. He showed how the alternate site would still lack the needed coverage. Ron asked about the signal strengths for the proposal. Mr. Massy spoke to the simulcast technology showing inbound signal strength, it was based on subjective audio quality. Ron asked that relevant information be sent to him. Jeanne asked it to be sent to the ZBA as well.

Ron asked for a map of existing coverage as opposed to just the proposed and the alternate sites.

Mr. Massy then showed maps of portable VHF inbound coverage.

Jeanne asked for further comments. Henry asked if the county didn't own the Quarry Rd. property, what would be the best location for the tower. Mr. Doyle said he believes he found the best location given the environment. Henry asked why the county couldn't find a property without it being a detriment to the community. Mr. Doyle referred back to the balance of interest portion of the Monroe test. He disputed the allegation that tower would create an eyesore. Henry said that Mr. Doyle would object if the tower were placed within sight of his property.

Mr. Harrison asked for further study of Mt Airy. Mr. Harkavy noted that the county rented tower space in other locations within the county.

Jeanne asked if the ZBA Planner had any comments. Dan Shuster said documentation should be provided as to why the tower needs to be 180 feet and also documentation that clearly shows what areas will be covered that are not covered now. He noted that in terms of visual impact there are SRQRA standards in regard to sensitive sites, historic, scenic roads, recreational sites and so on, and they are held to a higher threshold. He also asked about coverage for the future as opposed to the coverage now. He spoke to metrics concerning number of homes and vehicular traffic that might benefit from the tower in terms of public safety.

Jeanne made a motion to continue the public hearing at the April 5th meeting. Henry seconded. Jeanne asked for an amendment to allow comments from the public be submitted until March 15th. There was no discussion and the motion passed unanimously.

Ron asked that the additional data be presented as 7.5-minute US GIS topographic maps. He also asked for schematics for the equipment on the tower to better represent the visual impact.

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

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

Meeting closed at 9:23 pm

Respectfully Submitted,
Kevin Freeman
ZBA Secretary