

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES**

April 25, 2012

Chairman Ian Murray called the meeting to order at 7:30 p.m.

Planning Clerk Linda McCabe called the roll: Chairman Ian Murray – present, Laurie Griffen – absent (arrived at 7:40 p.m.), Patrick Hanehan – absent, Robert McConnell – present, Jennifer Koval – present, Joseph Lewandowski – present, Brandon Myers – present.

Also attending: Applicants Allen Masten, Mary Lou Liptak-Masten, Mr. Cusack, Sara Colman and Rick Andras and many interested residents. (Sign-in sheet is on file in the Planning Clerk's office)

Approval of Minutes: A motion was made by Robert McConnell, seconded by Brandon Myers, to accept the minutes of the March 28, 2012 meeting. Chairman Ian Murray – aye, Laurie Griffen – absent, Patrick Hanehan - absent, Jennifer Koval – aye, Joseph Lewandowski - aye, Robert McConnell – aye, Brandon Myers - aye. **Carried 5 - 0**
Approved

Chairman Ian Murray stated that the Taras Special Use Permit Sand Mining application has been tabled for this meeting, but will be before us next month; the Board is awaiting information from SHPPO and we cannot proceed without it.

Sketch Plan Conference for Subdivision

Allen & Mary Lou Liptak-Masten #12-03
49 Burgoyne St.
Schuylerville, NY 12871
S/B/L 157-1-27 Rural Residential
Location: 139 Co. Rd. 338

Applicants propose a two lot subdivision located at 139 Co. Rd. 338. Lot 1 will be a 4+/- acre parcel and Lot 2 will be a 3+/- acre parcel with the existing house and outbuildings.

Applicant, Mr. Masten, appeared before the Board explaining that they'd like to subdivide their parcel on Co. Rd. 338. Lot 1 will be a 4+/- acre parcel and will be retained by the Applicant and Lot 2, a 3+/- acre parcel, containing an existing house and outbuildings, will be for their son. Chairman Ian Murray questioned how the Applicant came to have a survey map and the Applicant responded that he had appeared before the Planning Board years ago but never followed through with that application.

Chairman Ian Murray explained that since the previous application was not completed and the map was never filed with the county, the Applicant needs to contact his surveyor and have him update the map with the following: the Ag Data Statement, water notes, the soil engineering work for proposed Lot 1 needs to be plotted on the map along with an updated stamp. Chairman Ian Murray suggested they may want to conduct their perc test where they propose to locate the septic and house on Lot 1 and that the perc test needs to be witnessed by an engineer.

The Applicant questioned the separation distances of Lot 2 and Chairman Ian Murray stated that the separation distances with Lot 2 are good so no need to do anything with that.

Chairman Ian Murray asked if there were any questions of the Board; there were none. Chairman Ian Murray stated if the Applicant can have everything completed and copies to the Clerk by May 9th we will advertise for a public hearing for the May meeting. The Applicant thanked the Board.

Returning

Michael Booth #10-05
104 Condon Rd.
Stillwater, NY 12170
S/B/L #193.-1-46 Rural
Location: 104 Condon Rd.

Returning Applicant proposes to subdivide a 5+/- acre parcel into a two lot subdivision. Lot 1 will be 2.14+/- acres with the existing house, to be sold in future and Lot 2 will be 3+/- acres retained by the owner on which they plan to build a ranch house.

Chairman Ian Murray stated they are going to move forward with this application but unfortunately the Applicant has been sent out of town for work and his wife is unable to be here because she is taking care of an ill family member. This has been before the Board a while back and the Applicant is now ready to move forward. The Applicant is in the process of having the survey done and he needs to have the soil engineering plotted on the survey map. Chairman Ian Murray asked if there were any questions from the Board; there were none. Chairman Ian Murray added the sight distances may be a little tight, but the Applicant can have the surveyor measure the frontage and plot it on the drawing for the Board while completing the survey.

Town Engineer Ken Martin questioned the soils there and suggested they may want to perform their perc test where they propose to locate the septic and house on Lot 2 and to be sure the perc test is witnessed by an engineer.

Chairman Ian Murray stated the Applicant needs to have the survey completed with sight distances, soil engineering and septic placement. Once that is accomplished the Applicant needs to bring his final application to the Clerk and we will schedule a public hearing.

Returning

Norman & Lynn Humiston #12-05
1117 Rt. 29
Schuylerville, NY 12871
S/B/L 156.-3-10.2 Rural Residential

Applicants propose to subdivide a 2+/-acre parcel from their 34+/- acre parcel for their daughter to build a 3000+/- sq. ft. single family home, located at 1117 Rt. 29.

~ POSTPONED AT APPLICANT'S REQUEST ~

Pre-Submission Conference for Special Use Permit for a Telecommunications Tower

**Cellco Partnership d/b/a Verizon Wireless #12-04 Owner: Mr. & Mrs. Joseph Peck
Michael E. Cusack, Young/Sommer LLC 178 Wagmans Ridge Rd.
5 Palisades Dr. Saratoga Springs, NY 12866
Albany, NY 12205
S/B/L 181.-1-5
Location: 178 Wagmans Ridge Rd.**

Applicant is seeking a Special Use Permit to construct an unmanned telecommunications tower on the lands of Joseph and Patricia Peck, located at 178 Wagmans Ridge Rd. The proposed tower will be 84+/- feet high, including a lightning rod. There will be 12 panel antennas mounted at a height of 76+/- feet above ground level, 1 GPS unit, 2 microwave dish antennas, and an unmanned equipment shelter measuring 12 ft. wide x 30 ft. long x 11+/- ft. high. This will all be located within a 100 ft. x 100 ft. section of the premises. This tower will be designed with the capacity of supporting 3 additional users having panel antennas, extendable to 100+/- ft. above ground level (104+/-ft. with a lightning rod) to provide additional height if needed for future shared use.

Attorney Michael Cusack, of Young /Sommer LLC spoke on behalf of the Applicants, introducing their plan and reviewing the information, tab by tab, from their pre-submission application. He stated that tab 6 explains the purpose and intent of this application and how it is that Verizon Wireless reached the conclusion of the need for this site. He also stated if the Board is wondering how this fits into the Town's zoning regulations they should review the narrative included in the application, explaining that there is a significant gap for the northwest corridor of the Town, as well as a two and a half mile section along Rt. 29. He summarized the balloon float they had conducted and handed the Board members copies of the visual environmental assessment of said float as well as their SEQR form.

Mr. Cusack continued, explaining that in 2009 they knew that the third generation network was evolving and they had some needs and coverage problems in the town and there were two viable sites in the town; one on Hayes Rd. and one on Walsh Rd. and the town went with the Hayes Rd. site. Going forward from there, that site picks up where the Schuylerville tower (at the high school) service ends and extends the service further to the west toward Saratoga Springs, where Verizon Wireless' primary network is. But it doesn't get over the ridge north and south of Walsh Rd. so the service from the Independent Towers site goes up one side of the ridge and stops and leaves a gap along Southard Rd. going west to the city of Saratoga Springs and that is the segment Verizon Wireless wants filled in. He stated that their network builds from the city of Saratoga Springs outward and they are building new sites in the city, but they are more than 5 miles away and serve the city market. Those new sites are located on the Avenue of the Pines and 10 Railroad Place in Saratoga Springs. There is a certain amount of service making it from Saratoga Springs into the Town of Saratoga, but they have found that communities using the fringe of their sites now need more coverage due to more subscribers and the current sites cannot handle the current load with all the new devices out there; noting this won't affect the Town of Saratoga. Mr. Cusack said they've done as much as they can to their other cell sites but it's not enough and Verizon Wireless has to invest and provide service in the local area where the service is actually going to be used.

Mr. Cusack explained the history of cellular service; antenna then analogue then to first generation digital, then to a more reliable digital service and now to third generation/3G and fourth

generation/4G. In order to maintain service you need both ends of the link, the up-link and the down-link. Verizon Wireless' objective and critical need is to provide 4G coverage to the proposed new service for the Loughberry Lake area of the city of Saratoga Springs. This proposed site will provide that critical coverage and will also provide a suitable platform for the next phase of expansion from the city of Saratoga Springs east into the Town of Saratoga, toward the Independent Towers site. He then said that the Independent Towers site on Hayes Rd. will be in the next phase after this primary network is in place. He stated Verizon Wireless does not attach to existing towers if there are any gaps, as in this area, rather they expand logically where their system is hit the hardest and build out to where the Town's proposed site will be and go from there. He added this was their organized plan and an explanation of what and why they are doing this. Mr. Cusack then reviewed the balloon float, view sheds and maps of coverage they conducted prior to applying to the Board.

Chairman Ian Murray stated the Board approved the balloon float prior to the trees leafing out specifically for that view shed, and further explained that he had spoken with Mr. Cusack on two different occasions over the telephone and told him that float would not be the only balloon float; that the Board most likely will have them conduct one or two more balloon floats to get the correct information they need. Chairman Ian Murray explained that when the Board had the dual applications of Independent Towers and Verizon Wireless before them in 2009, Dave Brennan, attorney for Verizon Wireless, stated Verizon Wireless could make the site on Hayes Rd. work and then Verizon would go to the outer district of the city of Saratoga Springs; he then questioned if Mr. Cusack was now saying they will not try and get anything in the outer districts of the city of Saratoga Springs to connect that Rt. 29 corridor.

Mr. Cusack responded no, there's going to be a need for a site there as well. They are working on a site in the Loughberry Lake area to supplement the coverage in the northeastern part of the city of Saratoga Springs and they haven't gotten closer to the waters edge just yet and the site they are proposing will not reach that area. The key is in understanding this design and the need of coverage in the city of Saratoga Springs; this site will improve Verizon Wireless' ability for that coverage.

Chairman Ian Murray stated we understand the design, but as Mr. Cusack said earlier in his statement, it's not the fact they don't have any coverage there, they just want the enhanced coverage of the 4G, correct?

Mr. Cusack responded no, there's a gap in coverage they want to fill. He said there are some areas of the Town, primarily on the hillsides, where some of the coverage is coming 5 ¾ of a mile away by virtue of straight lines from the city of Saratoga Springs; it's actually spilling over into the community. There is no primary service for this area. There's a section of the Town of Saratoga that has potential for service from the Hayes Rd. site, and another section of the Town within the village of Schuylerville that has service, but the limitation of the technology is the following: it will not go through hills and it's severely hampered by vegetation, as 1" pine needles have the ability to completely absorb the signal, so the Board has to look at this in a segmented way. While there is some disagreement on the approach of 2009, Verizon Wireless needs the site they are talking about and the Town's other site on Hayes Rd. Those two sites will work together very nicely and if the Board will review their Oct. 2009 material, they'd see an explanation why it was an issue for them then and understand better now, the heavy use their system is seeing and he hopes there are no hard feelings concerning that.

Chairman Ian Murray responded no there aren't. He then stated he thinks from an economic standpoint that it would be wiser to co-locate on the Hayes Rd. site, get that operational and then do

a study and look at the lack of coverage instead of proposing a new tower and say you're going to phase in the Hayes Rd. tower later on; economically it doesn't make sense.

Mr. Cusack said from Verizon's perspective they're going to grow logically starting where they have the highest concentration and extend outward. Their primary network is based in Saratoga Springs. He reiterated that Verizon Wireless will not build in to a situation where it's potentially creating a gap. Verizon needs to see all the parts and have all the pieces before it will commit.

Chairman Ian Murray stated he understands what Mr. Cusack was saying, but when the 2009 application was concluded this Board was told the Hayes Rd. site could work and now Verizon Wireless is proposing another tower that is south and west of the one that supposedly connects the outer district of Saratoga Springs outward to the Town.

Mr. Cusack responded right and if you put yourself in Verizon's position this is how they have to do it, noting the network is getting crushed to the west and here there's a gap. The site at the school is handling the traffic it needs to handle in the village; it's connected to a separate area that's not quite connected back to the network.

Chairman Ian Murray said he drove all through the area: Wagmans Ridge Rd., Walsh Rd., Staffords Bridge Rd. everywhere out that way and had coverage on every road and he has Verizon cell phones and service, it's not like there's no coverage out there. He believes Verizon Wireless just wants to get to the 4G to help sell that service. He stated he's not sure if he was getting service off Willard Mountain or the radar base down there and questioned if those sites could be boosted, as Mr. Cusack stated earlier, to strengthen that area. He said he understands what Mr. Cusack was saying concerning the engineering but there are hills here in the Town of Saratoga and it's a very pleasing and beautiful town and he doesn't believe the residents want to dot the landscape here with towers every two to three miles just to have 4G service; he'd rather have less coverage and preserve the beautiful town we live in.

Bob McConnell stated he felt misled or not fully informed a couple years ago because he was under the impression that when the Board increased the height of the tower on Hayes Rd. that it would cover Verizon's needs. Now we find out that the carriers that were supposed to subscribe to it have not.

Mr. Cusack said he cannot vouch for anything that was said by Independent Towers.

Bob McConnell responded, if Mr. Cusack looks at the minutes from 2009 – 2010, he'll see some of the dialogue that suggests Verizon Wireless would work together with Independent Towers and it was Verizon Wireless that said they would co-locate; we were not told it would be five years out. Mr. Cusack said in 2009 they said there would be a need for a site in the northwest corner.

Bob McConnell said it may have been mentioned but that was not really emphasized; it certainly was not the major point in putting a 190' tower on Hayes Rd.

Mr. Cusack replied that it's hard to go back and this will define the whole tone of this process going forward and he'd like to bridge that gap now. He said at the time, in writing they stated it was not true that the Independent Tower site would result in less towers and it stated there would be a gap in the area we are talking about. Verizon Wireless understood the town wanted a site on their property so they can get the revenue.

Chairman Ian Murray responded the Board evaluated both sites and Hayes Rd. was the better site.

Jennifer Koval stated it wasn't that at all, that was never an issue for us. We wanted a tower, if we were to have one in the town, to benefit all residents and that was for coverage on Rt. 29 where there's a gap. We still haven't seen any benefit from the idea that Verizon Wireless was going to co-locate on the Hayes Rd. tower to service Rt. 29. It still has the same gap as back then and Verizon still hasn't located on that tower.

Mr. Cusack replied they can't cover the gap on Rt. 29. and cover the gap in the area they need to cover. Jennifer Koval responded they'd get half the gap, and getting half the gap is better than none.

Chairman Ian Murray stated the scenario, as Jennifer Koval is explaining, is that Verizon Wireless builds its own tower, then says they don't need the Hayes Rd. tower because their tower now covers the whole gap in which case the Town of Saratoga is stuck with two towers.

Mr. Cusack said they can't co-locate. There are terrain problems and it's a sight of line issue. When you go east, toward the ridgeline of Walsh Rd., even at 80' the antennas are lower than the land and the trees on top. Going to Hayes Rd., even at 190' those antennas will hit the terrain and vegetation on that ridgeline. As you go up from the river, you're dealing with levels. The tower will cover until it hits terrain and it will stop dead and the signal weakens. If they attach to the Hayes Rd. tower, there is still a 2½ mile area uncovered. This happens in municipalities and the Board did everything it could to pick up as much coverage as you can from that site; you can't go higher than 190' without triggering FAA marking and lighting. He said a lot happened in 2009, they could have walked away, they could have been bitter, they could have filed a law suit, they could have done a number of things but they didn't. They are here, telling the Board they can use the Hayes Rd. site, they need another site to complete the service that the Hayes Rd. site is not catching. It's a significant part of the town, upwards of 5 miles and wide as ¾ of a mile. It is close to the Town's borders, it barely goes over the borders-only where it hits water down by the bridge across Saratoga Lake near the marina. The signal hits the water and skips a bit into Saratoga but not that far. It's a local site and local service and will not be served by attaching to the Hayes Rd. tower. They're trying to find a solution that works for the Town and provides adequate service for their needs.

Chairman Ian Murray stated in our zoning ordinances the Planning Board has the option to hire a consultant at the expense of the Applicant for review of this project.

Chairman Ian Murray made a motion, seconded by Jennifer Koval to hire Dean Long, of the LA Group, as Consultant to the Board for the duration of this application. Chairman Ian Murray – aye, Laurie Griffen – aye, Patrick Hanehan - absent, Jennifer Koval – aye, Joseph Lewandowski - aye, Robert McConnell – aye, Brandon Myers - aye. **Carried 6 - 0**
Approved

Chairman Ian Murray then stated he was going to ask for a VAF study. Mr. Cusack provided it to the Board this evening. The Board has had barely 10 days to review the material, not enough time to thoroughly go through it. He asked the Board if there were any questions.

Brandon Myers stated that he'd like Mr. Cusack to boil this down, get it on a big board that the public and the Board can see, show all their existing towers, explain their phasing; but show it all on one large board. He stated he wasn't on the Board in 2009 and he's not big into technology but he knows the changes between 2009 and now are way beyond his understanding. Make it simple for all to understand. He said he knows the coverage on Rt. 29 is horrible, and questioned if this

will take care of Rt. 29 and the track area on Union Ave. in Saratoga Springs. Mr. Cusack said not quite.

Jennifer Koval questioned if they are in the blue silo on Crescent Ave. in Saratoga Springs and how far does that tower reach? Mr. Cusack responded that it is a 60' tower and covers the area where it's located and confined to that area. He then reviewed his service coverage maps with the Board.

Joseph Lewandowski questioned what the length of time is for their network expansion and Mr. Cusack responded 3 months, 6 months; he really couldn't say for certain.

Chairman Ian Murray questioned if Verizon Wireless has reached out to Independent Towers about co-locating on their tower or any dialogue with them at all and the answer was no, although they know the highest point on the tower is still open for their use.

Brandon Myers reiterated they need to show the elevations and limitations and illustrate to the Board and the public the economic feasibility and how this ties together from 2009 until now. He said he knows that technology is going to change but it is important to their case for them to pull the 2009 economic feasibility issue and the elevation limitations to support their case to this Board.

Chairman Ian Murray stated this will go to the consultant, legally, tomorrow and he will start the review and get his comments back to us. We will forward those comments on to Mr. Cusack or the consultant may go directly to Mr. Cusack with comments and questions. All information must be to the Clerk by 10 a.m. two weeks prior to the next meeting, May 9, 2012 for the May 23rd meeting. Chairman Ian Murray then stated the Board will go through the application at the next meeting and establish a date for the next balloon float. The balloon float may be a weekday as well as a Saturday so everyone in the neighborhood will have the opportunity to see it. We have had questions and concerns from neighbors who were unable to see it and/or didn't know about it and we'll probably request two more flights.

Returning

Old Business: None

New Business: None

Laurie Griffen made a motion, seconded by Robert McConnell to adjourn the meeting at 9:05 p.m. Chairman Ian Murray – aye, Jennifer Koval – aye, Robert McConnell – aye, Laurie Griffen – aye, Patrick Hanehan – absent, Joseph Lewandowski – aye, Brandon Myers – aye. **Carried 6-0 Meeting Adjourned**

The next meeting will be held Wednesday, May 23, 2012 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe
Planning Clerk