

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES
August 26, 2009**

Chairman Ian Murray called the meeting to order at 7:33 p.m.

Planning Clerk Linda McCabe called the roll: Chairman Ian Murray – present, Robert Park – present, Paul Griffen – present, Laurie Griffen – present, Patrick Hanehan – absent, Robert McConnell – present, Jennifer Koval – absent and Alternate Joseph Lewandowski – present.

Due to the absence of a couple Board Members, Chairman Ian Murray elevated Alternate Member Joseph Lewandowski to full voting status.

Also attending: Town Engineer Ken Martin, Dean Long, Luke Drumm, Jason Tommell, Clarence Fosdick, Mark Sweeney, Dave Brennan and other interested persons.

Sign-in sheet is on file in the Planning Clerk's office.

Approval of Minutes: A motion was made by Robert Park, and seconded by Laurie Griffin to accept the minutes of the July 22, 2009 meeting as written Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – absent, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – absent, Alternate Joseph Lewandowski - aye.

Carried 6 - 0

Approved

Lot-line Adjustment Conference

**Luke Drumm #09-10
322 Wilbur Rd.
Schuylerville, NY 12871
S/B/L 208.-1-24.1 Rural**

Applicant is seeking a lot-line adjustment to add 4 acres to his 54.41+/- acre parcel to improve the access to an 8 acre agriculture field and to improve his non-conforming road frontage of 140' to 1200'.

The Applicant appeared before the Board. Chairman Ian Murray questioned if the Applicant has been in contact with the neighbor about purchasing that piece of land and the Applicant replied yes. Chairman Ian Murray stated they may have to rearrange the application a bit, being that the neighbor may be the owner of that one piece and he, of course, is the applicant; but that change is simple.

Chairman Ian Murray questioned the Board if they have been by this property and stated he believes this would be a definite improvement for this parcel; the Board agreed. He then stated he believes the Applicant will have to realign the driveway and that the Applicant needs to be sure he has adequate sight distance there. Chairman Ian Murray stated there is no Board action required for this, but the Board does require the Applicant to submit an updated survey and deed for review by Town Engineer Ken Martin and Town Attorney William Reynolds. He asked the Applicant if he had any questions; he did not.

The Applicant thanked the Board.

Board Member Jennifer Koval arrived at 7:35 p.m.

Subdivision Sketch Plan Conference

Norman Hamm #09-11

708 Charles St.

Scotia, NY 12302

Location: 213 Burgoyne Rd.

S/B/L 156.-4-29 Rural & Rural Residential

Owners: Norman Hamm

708 Charles St.

Scotia, NY 12302

Ronald Hamm

1000 Whetstone Ct.

Raleigh, NC 27615

Applicant proposes to subdivide this 74.76 acre parcel, located at 213 Burgoyne Rd., into two lots; one for his brother and one for himself. This parcel falls into two zoning districts, Rural and Rural Residential.

The Applicant appeared before the Board. Chairman Ian Murray stated that looking at the map, he is unsure how the Applicant wants to divide this; is north to be parcel 1 and the Applicant replied yes and that the two pieces of land on DeGarmo Rd. will be parcel 2. Chairman Ian Murray questioned, for clarification, that the parcel with the house and barns are to be Lot 1 and the Applicant replied yes. Chairman Ian Murray stated the Applicant will have to place the driveway on DeGarmo Rd. for Lot 2 for adequate sight distances; the Board will not allow the driveway on Burgoyne Rd. due to the vertical curve there. The Applicant responded it would be on DeGarmo Rd. but he is not ready yet, in fact he more than likely will leave this in agriculture. Chairman Ian Murray stated that Lot 1 does not need soil engineering since there is an existing home there, but Lot 2 needs a deep hole test certified by an engineer, along with a perc test. The Applicant questioned if left in agriculture does he have to do that and Chairman Ian Murray replied no, but if he plans to leave it in agriculture the Applicant will have to have an agriculture note put on the survey map stating that it will remain in agriculture. Chairman Ian Murray stated all the Applicant needs to do to proceed with this application is to do the survey splitting the parcel into two lots, with the agriculture language on the survey, along with a revised deed. We will advertise for a Public Hearing for next month.

Returning

Emory Waldrip #09-12

27711 Marina Pt. Dr.

Bonita Springs, FL 34134

Location: Hill Rd.

S/B/L 193.18-1-55 Lake Res. & Rural Dist. 2

Applicant is proposing to subdivide his 5.72 acre parcel into two lots for two single family dwellings. This is located at the end of the cul-de-sac on Hill Rd. (lot 8) and falls into two zoning districts, Lake Residential and Rural District 2.

Jeremy Schneible of Tommell & Assoc. appeared before the Board on behalf of the Applicant. Mr. Schneible gave an overview of the property; it is located at the end of Hill Rd. approximately 600' east of Saratoga Lake and 1 mile north of the Stillwater/Saratoga town line. It is 5.72 acres with 140' of road frontage and falls within two zoning districts; west is Lake Residential and east is in Rural District 2. The lots there are served by a private well and the Saratoga County Sewer District said there is the potential for them to serve this parcel. The Applicant would like a two-lot subdivision with 70' of road frontage and they are aware that by the Town's zoning code this would be considered a flag lot and they are before the Board to get an interpretation of the code and see if that section can be applied to this lot. Chairman Ian Murray stated that Mr. Schneible has obviously read the Town's regulations since he is asking for an interpretation and the Board can go through the 'purpose and intent' of flag lots for him if he'd like, but in short, the Town developed flag lots for the preservation of agricultural lands and view sheds within the Town; it is a preservation tool

for agriculture purposes and this application does not meet the flag lot criteria. Mr. Schneible stated that option one was to see what the Board would say and option two is to submit an application asking the Zoning Board of Appeals for a variance for reduced frontage there. Chairman Ian Murray stated, speaking for himself, he'll send it to the Zoning Board of Appeals with a negative recommendation; this isn't for the preservation of agricultural intentions nor the preservation of open space, so this does not fit the flag lot criteria. Mr. Schneible stated he'd like to poll the Board:

Chairman Ian Murray – against; doesn't meet criteria
Joseph Lewandowski – against, doesn't meet criteria
Robert McConnell – against, doesn't meet criteria
Laurie Griffin – against, but send to ZBA
Robert Park – against, doesn't meet criteria
Paul Griffin – against, negatively deny to ZBA
Jennifer Koval – against, doesn't meet criteria

Mr. Schneible stated he was anticipating this response and he will take it to the Applicant with no formal Board action tonight. He added they may be back, but he is aware there is nothing too compelling that they can say that will reverse the opinion of the Board. He thanked the Board for their time.

Public Hearing for Special Use Permit

**George and Gertraud E. Pravda #09-08
80 Ingersoll Rd.
Saratoga Springs, NY 12866
S/B/L 180.18-1-2, 180.18-1-3 Lake Commercial**

**Location: 1460A Rt. 9P
Saratoga Springs, NY 12866**

Returning Applicant is seeking a Special Use Permit in order to build 8 townhouses on 1.02 acres, located at 1460A Rt. 9P.

The Applicant appeared before the Board and explained he would like to build 8 townhouses on this parcel and is aware that he is only allowed to build 4, and that he really is here to receive a formal denial in order to go before the Zoning Board of Appeals. Chairman Ian Murray stated that is correct and we will continue with your Public Hearing.

Proof of Notice having been furnished by newspaper on August 16, 2009, Chairman Ian Murray opened the Public Hearing at 7: 51 p.m., asking those wishing to speak to please stand and state their name and address.

William Corrigan, 207 Walsh Rd., questioned how many units would be allowed. Chairman Ian Murray responded according to Town regulations four units with public sewer per acre.

Chairman Ian Murray asked if there were any other questions; there were none. He then asked if there were any questions from the Board and seeing none **Chairman Ian Murray closed the Public Hearing at 7: 52 p.m.**

Chairman Ian Murray read the letter from the Saratoga County Planning Board indicating significant county wide or intercommunity impact; decision - Disapprove.

Chairman Ian Murray made a motion, seconded by Paul Griffin to deny this application as per Town of Saratoga Zoning Regulations for Special Use Permits, which states there will be no more than 4 dwelling units per acre permitted in this district. The Board also will be sending this with a negative recommendation to the Zoning Board of Appeals. Chairman Ian

Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – absent, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – aye, Alt. Joseph Lewandowski - aye. **Carried 7-0 Denied**

Continued Public Hearings for Special Use Permits

**Independent Towers LLC #09-03
11 Herbert Dr.
Latham, NY 12110
S/B/I 169-1-64 Rural**

**Owner: Town of Saratoga
12 Spring St.
Schuylerville, NY 12871
Location: 219 Hayes Rd.
Schuylerville, NY 12871**

Returning Applicant is seeking a Special Use Permit to erect a telecommunications tower within a 60'x 80' fenced compound on the Town of Saratoga Land Fill located at 219 Hayes Rd.

Attorney Mark Sweeney appeared before the Board on behalf of the Applicant. He gave an update on the two scheduled balloon floats, stating that the photo simulations are complete and that Engineer Dan Schweigard had taken Chris Martin from the National Park Service to see the balloon flights to make sure he was comfortable with what he observed. The difference in the views from 150' to 190' from the top of the monument was that you could see the very top of the tower, but since it will be placed back against the ridgeline it won't protrude above the horizon therefore it blends in with the backdrop. The National Park Service issued another letter stating there is no adverse effect upon jurisdictional resources and that letter is included in the information packets that were submitted. After the balloon test was completed they updated all their visual analysis, provided some community character analysis which was requested by Mr. Long and that was submitted to the Board as well as to Mr. Long. That information was reviewed by Mr. Long and he then generated a memo describing additional information he wanted, and they have been working directly with Mr. Long all this week providing that information. Most of that work is completed, however, their engineer who has to finish it off, is on vacation but will return on Sunday and they will have that material in no later than Wednesday, September 2, 2009. It's all basically been drafted; they have had discussions with Mr. Long as to the basis of the analysis they are doing, where the information is coming from, and all other particulars he has asked for. They are very comfortable that when they hand in all the information, it will all be there in the form Mr. Long is looking for.

They have updated the view shed maps; there is no substantial difference in the two heights (150' – 190') and the engineers have determined that there is no significant adverse visual impact. It's going to be visible mostly from the same areas as before with no new significant difference. In the provided analysis, after the balloon test, they identified a variety of scenic areas of special concern and importance and found there are no significant views of the tower. Most of the views are going to be along roadways in short durations as people pass by, so that helps limit the duration of those views and the impacts those views may cause. Basically they've been able to move forward, evaluate that new height that will accommodate Verizon, and also give them the ability to be sure the Park Service is happy that they are not causing any undue impacts.

One of Mr. Long's requests was to look at appropriate camouflage techniques. We've been looking at what type of structure we should be using and we believe a stealth structure such as a "pine tree" would not be appropriate, it would make the structure protrude more. We will look at what can be done with different paint colors and other techniques and submitting that information to you next week. We will do whatever it may be to make sure this doesn't stand out, and since it's below 200' there will be no need of an FAA light on it. So based upon our promise of delivering to you the additional information requested no later than Wednesday, we would like to have our SEQR hearing scheduled; the Board and Mr. Long will have the information well in advance of that workshop. Chairman Ian Murray stated he's been in contact with Town Engineer Ken Martin and with the

Town's Consultant Dean Long and seeing how they have 95% of the requested materials, with the balance of materials coming next week, they will set a SEQR workshop. Due to vacations, he'd like to schedule it for September 21, 2009 at 7 p.m. and they will go through both cell tower applications that evening.

Town Engineer Ken Martin stated that the FAA determination they have is for 150' and he feels that they need one for 190'. Attorney Mark Sweeney responded they had originally submitted at that higher height and had gotten FAA approval; he will be sure they get that determination in their packets.

Chairman Ian Murray asked the Board if there were any more questions; there were none.

Chairman Ian Murray stated that they will resume the open Public Hearing tonight and then it will be closed tonight.

Chairman Ian Murray stated the Public Hearing for this application is still open and is resumed at this time, 8:02 p.m. If anyone has any questions, concerns or comments, please stand and state their name and address.

Mr. Ray DeRidder, Walsh Rd., questioned the Town's lease contract with Independent Towers and stated he wants to be sure that if the tower goes on the town property that there is a contract that states Independent Towers will remove the structure entirely if it is not used or is no longer necessary.

Mrs. Mary DeRidder, Walsh Rd., stated they don't want the tower on town property but if that is the choice then she would like to see it enclosed or camouflaged in some way so it doesn't stand out since they will be able to see it from their home, and she also wants to be sure the structure will be removed if it is no longer used. Attorney Mark Sweeney responded that there are options for camouflaging the tower and there is a removal obligation within the Town's tower law and they have to and will comply with any and all requirements. Chairman Ian Murray stated that the lease is with the Town Board and Mr. DeRidder needs to ask those questions of that Board, but this Board may also require bond for removal of the structure.

Board Member Robert McConnell questioned if there is technology they can use to hide the tower. Attorney Mark Sweeney responded there are options, adding that the National Park Service wants them to blend it in with the background to make it go away; they will look at all the options.

Board Member Paul Griffin stated he believes that enclosing it is not an option due to wind load at that height, adding let's not create a problem. Chairman Ian Murray agreed with Paul that wind resistance would create a problem.

Board Member Robert Park questioned if they can simulate with lattice and Attorney Mark Sweeney responded that yes, they can give a representation so the Board can do some comparisons.

Chairman Ian Murray asked if there were any further questions; there were none. He then asked if there were any further questions from the Board; there were none.

Chairman Ian Murray then stated at this time, 8:10 p.m., we will close the Public Hearing for the Independent Towers Cell Tower application.

Returning

Mark Sweeney thanked the Board.

**Cellco Partnership d/b/a Verizon Wireless #09-02
David C. Brennan, Young, Sommer LLC
Executive Woods; 5 Palisades Dr.
Albany, NY 12205
S/B/L 169-1-62.1 Rural**

**Owner: Mr. & Mrs. Raymond DeRidder
180 Walsh Rd.
Saratoga Springs, NY 12866**

Returning Applicant is seeking a Special Use Permit to construct a telecommunications tower within a 44' x 54' fenced compound, located on the Raymond DeRidder property at 180 Walsh Rd.

Attorney David Brennan appeared before the Board stating since the last meeting they prepared their report for the Board with respect to potential visual impacts and delivered said report to each Board member. They received a letter on Monday from Mr. Long, which stated they are ready for SEQR review. He also stated they have a letter to hand to the Board concerning duration of visibility, such as Independent Towers has handed in, and that way the Board has an apples to apples comparison so to speak. He also wanted to point out that this property is a residential property, not agriculture. He then stated the Board has heard his presentation many times since March and they are prepared for SEQR review and September 21st is fine with them. Chairman Ian Murray stated they have the updated information and after talking with the Town's Consultant, Dean Long, they are ready to conduct SEQR workshop for both cell tower applications on the 21st at 7:00 p.m. upstairs in the conference room.

Town Consultant Dean Long stated the Board needs to know the precise diameter of the base of the tower and the diameter of the top height of the tower so they know exactly what they are talking about; adding they need it to scale not simulation. Attorney David Brennan replied they will provide that information.

Chairman Ian Murray then stated at this time; 8:17 p.m. the Public Hearing for this application is still open and resumed, if anyone has any questions, concerns or comments, please stand and state their name and address.

Seeing that no one came forward, **Chairman Ian Murray stated at this time, 8:18 p.m., we will close this Public Hearing for the Cellco/Verizon Cell Tower application. Returning**

Board Member Laurie Griffin stated since the Board has requested design alternatives from Independent Tower she believes the Board should also request it of Verizon. Attorney David Brennan replied they put in simulations of darker gray paint, lattice tower, etc. Chairman Ian Murray stated they will look at that during SEQR review and can request that at the next meeting if needed.

Old Business: None

New Business: None

Chairman Ian Murray reminded the Board they will hold SEQR workshop September 21, 2009 at 7:00 p.m. in the upstairs conference room.

Robert McConnell made a motion, seconded by Robert Park, to adjourn the meeting at 8:33 p.m. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – absent, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – aye, Alt. Joseph Lewandowki - aye. **Carried 7 – 0**
Meeting Adjourned

The next meeting will be held September 23, 2009 at 7:30 PM.

Respectfully submitted,

Linda McCabe
Planning Clerk