

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES**

December 19, 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, Patrick Hanehan – present, Robert McConnell – present, Jennifer Koval – present, Joseph Lewandowski – present, Brandon Myers – present, Alternate George Olsen – absent.

Also attending: Town Engineer Ken Martin, Dean Long, David Weisenreder, Sara Colman and other interested persons. (Sign-in sheet is on file in the Planning Clerk's office)

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

Carried 6 – 0

Approved

Public Hearing for Minor Subdivision

**Jan Park #12-10
57 Trombley Rd.
Stillwater, NY 12170
S/B/L 193.-1-23.11 Rural District II**

Applicant seeks to subdivide a 7.8+/- acre parcel around the existing house and barns, from her 50+/- acre parcel.

Jim Vianna, Land Surveyor PLLC, appeared on behalf of the Applicant and explained that the Applicant would like to subdivide a 7.8+/- acre lot, including the existing house and barns, from her 50+/- acre parcel. There will be no change of use or new construction. Lot 1 will be the remaining 43+/- acres which will remain in agricultural use. Jim Vianna noted he has put a note on the map stating if, in the future, there will be any change in the use of that land, they must appear before the Planning Board. Lot 2 will be the 7.8+/- acre lot with the existing house and barns.

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

Proof of Notice having been furnished by newspaper on December 7, 2012, Chairman Ian Murray opened the Public Hearing at 7:33 p.m., asking those wishing to speak with any questions or concerns to please stand and state their name and address; no one came forward.

Chairman Ian Murray closed the Public Hearing at 7:34 p.m.

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

Patrick Hanehan read the short form EAF, line by line, which was completed by the Board. Chairman Ian Murray made a motion, seconded by Patrick Hanehan to accept the documents as presented, to declare the SEQR review complete and to make a Negative Declaration. Chairman Ian Murray – aye, Laurie Griffen – absent, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye.

Carried 6 - 0

Approved

Chairman Ian Murray made a motion, seconded by Jennifer Koval, to approve the application as proposed. Chairman Ian Murray – aye, Laurie Griffen – absent, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye. **Carried 6 - 0**

Approved

Special Use Permit for a Telecommunications Tower

**Verizon Wireless /Cellco Partnership#12-04
Michael E. Cusack, Young/Sommer LLC
5 Palisades Dr.
Albany, NY 12205
S/B/L 181.-1-5**

**Owner: Mr. & Mrs. Joseph Peck
178 Wagmans Ridge Rd.
Saratoga Springs, NY 12866**

Location: 178 Wagmans Ridge Rd.

Returning Applicant seeks a Special Use Permit to construct an unmanned telecommunications tower on the lands of Joseph and Patricia Peck, located at 178 Wagmans Ridge Rd.

Chairman Ian Murray noted that Michael Cusack was hospitalized recently with pneumonia but he will be attending tonight's meeting, he's just running a bit late. Chairman Ian Murray asked if the Applicant's team would like to wait for Michael Cusack to arrive; there was no response.

David Weisenreder, Costich Engineering, stated there were seven sheets of site plans showing the 90' silo and the 90' monopole details submitted; **Chairman Ian Murray stated that he, Town Engineer Ken Martin and Consultant for the Town, Dean Long, received, via email today, the silo designs only, nothing has been submitted to the Board.**

David Weisenreder then handed out three sets of the monopole and silo designs for the Board to share as he reviewed them. Rick Andras stated the original site was at 413' and moving down to Alternate Site #3 the elevation drops down to 398'-399'; approximately 15' lower. The overall height of the structure will essentially be 90' – 100', depending if you choose the monopole or silo. They are about the same above mean sea level (AMSL) at the top of the tower, as it would have been at the original location.

Chairman Ian Murray stated that the Verizon team gave the Board a diagram of Alternate Site #2, the farm site, with the 120' tower and it showed the shadow over the hill to the north. He asked if they've done a simulation of Alternate Site #3 at the 90' elevation.

David Weisenreder responded they have not.

Chairman Ian Murray said the farm site and Alternate Site #3 both start out on the same elevation of 398'-399', but because Alternate Site #3 is north, you won't have any shadowing to the north over that hill, correct? David Weisenreder responded that is correct.

Chairman Ian Murray stated the Board members understand they are now talking about Alternate Site #3 (the area the Board was calling the Hulka site); the northern site that is behind the original proposed site. This is now back to a 90' tower versus the original proposed 80' tower and it's being proposed in two ways; as a monopole or as a silo and the Board needs to look at which configuration to go with.

Patrick Hanehan asked if the rest of the Board is in agreement going with Alternate Site #3; he and Joe Lewandowski like that site as they stated last month.

Chairman Ian Murray responded that the Board knows that the proposed site will not work due to the impacts to the community, and that Alternate Site #2 is off the table since the Peck's refuse to allow it at the farm site, so the only other option is go to the southern 413' site or to Alternate Site #3.

The Verizon team reviewed Alternative site #3 with the Board.

Chairman Ian Murray stated that site was quite filtered by the trees in March when they did the first balloon float and the Board felt that, realistically, the only time the nearest residents will see the tower is during the winter months due to it being shielded by the natural berm of existing hardwoods and vegetation throughout the rest of the year.

Robert McConnell questioned if the neighbors know that Alternate Site #3 is on the table as a viable alternative; he had never really considered it as a true alternative.

Chairman Ian Murray responded it's either the original proposed site or the Alternate #3 Site.

Robert McConnell said he's certain there will be a lot of interest in this site.

Chairman Ian Murray agreed with him and stated his surprise that no residents were at this meeting. He added that they did do a balloon float at Alternate Site #3 and it was/is a viable option, but it wasn't one they chose for their site selection.

Robert McConnell stated he doesn't feel it was fully discussed as a viable option and that the residents aren't really aware this is a true option and he's certain there will be some thought put into this by the residents.

Michael Cusack stated it was clearly noted this site was on the table in their presentations and at Planning Board meetings.

Chairman Ian Murray stated it is unfortunate they couldn't go with Alternate Site #2, the farm site. The Board has received from Verizon, a copy of the letter the Peck's sent to Verizon, refusing the Planning Board using the Alternate Site #2 location. He doesn't necessarily agree with their letter, he thinks that they should bear the burden of the impacts more so than the neighbors since they alone benefit from this, but it is no longer a viable option.

Michael Cusack handed the Board a letter with Patricia and Joseph Peck's signatures allowing Alternate Site #3.

Chairman Ian Murray asked the Board what their preference is; a monopole or a concrete silo and what their thoughts are on visual impacts of each. He added they also need to discuss the

containment/equipment building. He asked the Verizon team if they use concrete masonry units for those buildings.

Michael Cusack responded they usually use prefabricated units with either gravel or pebble finish on it and usually tan in color.

Patrick Hanehan stated at the last meeting Michael Cusack said they could make it look like a barn, is that correct. Michael Cusack said it has been done in the past.

Patrick Hanehan said he thinks if the building was made to look like a small barn structure, the silo would look better, Chairman Ian Murray agreed, as did Jennifer Koval.

Dean Long, Consultant for the Town, stated the challenge is proportion. The Board needs to think about this, it's not going to be a large barn, it will be low profile. You need to look at the height in relationship to the tower; do you want a plain roof or a gabled roof? It may look more like a garage with a gabled roof depending on its size, or, are there advantages in staying with a plain masonry, low profile structure; it wouldn't stick out and it'd be on the downhill side of the slope, so as it looks out toward the east it will be low and not very visible.

Chairman Ian Murray noted whereas a barn structure may stand out more during the fall and winter months. Dean Long added the Board also needs to ask itself, will the barn mitigate anything.

Patrick Hanehan questioned the height of the proposed building; he was told it will be 8'-10' tall.

Jennifer Koval stated it has to be proportionate. It should be the height of a two-story building; it should at least look like a cow barn. She asked how long the structure will be and was told the structure will be 12' x 30'. She said 30' is a decent length for a two-story barn. She added they wouldn't have to do a true two-story but it should at least look like a two-story building.

Kathy Pomponio said they're not doing two-stories.

Jennifer Koval asked why not. She was told the buildings are pre-fabricated.

Chairman Ian Murray stated that building is not technically an ag building, and if it's over 35' tall with a gambrel roof, if you go too high, it's not technically a barn either.

Jennifer Koval responded a gambrel roof is not needed and a two-story won't be over 35' in height. If it's going to look like a shed, it'd be ridiculous; people may just want a monopole if it's going to look like that. She feels the Applicant needs to do some photo simulations for the Board.

Joseph Lewandowski said it's not uncommon to see a commodity shed next to a silo and Jennifer Koval asked the height of those and Joseph Lewandowski said usually there is a lean-to about 15' coming off the side of the silo with a shed in it. Jennifer Koval said she believes the proposed 13' is not tall enough and will not look like a barn at all; even a commodity shed is taller than that.

Town Engineer Ken Martin stated they can make it higher with just the roof; they can put a gabled roof on it. Jennifer Koval agreed stating that is what she meant when she said two-story; make it appear as a two-story building, it should be the same height of a two story building. Town Engineer Ken Martin added the Applicant can go up 6' to 8' with the roof instead of just a

couple of feet.

Chairman Ian Murray stated, to reiterate what Dean Long said earlier, the Board has to also look at how it appears while driving down the road or looking from the west to the east; you really won't see it anyway. He then asked David Weisenreder if they were going to keep the orientation of the tower for Alternate Site #3 as depicted in their submissions; following the ridge line. David Weisenreder responded yes.

Town Engineer Ken Martin stated if you go with the silo, you'd paint the equipment building like a red barn since you'd want to make it visible. The Board agreed.

Chairman Ian Murray asked if the silo construction is concrete and was told yes, the upper 30' are panels and below is concrete. Concrete is preferable since it tends to blend into the surroundings more so than painted silos. Chairman Ian Murray agreed and Town Engineer Ken Martin felt there's less maintenance with concrete silos.

Chairman Ian Murray asked if there were any Board questions and which direction the Board would like to move forward with.

Patrick Hanehan stated he likes the silo type and asked if Verizon can provide the Board with simulations or replicas; he was told yes.

Jennifer Koval responded she likes the silo design. The design of the tower will be important to Southard Rd. and Walsh Rd. residents, really all to those around that area to the east. She also likes the idea of the land being the berm to the west. If it has to be near the neighbors; drop it down a bit.

Brandon Myers responded he didn't have an opinion at this time.

Robert McConnell stated he feels the Board needs to talk to the people in that neighborhood first.

Joseph Lewandowski responded he likes the silo and that site.

Robert McConnell asked if the Board will see a photo simulation for this site; he is concerned with the circumference of the silo and also concerned what it will look like once it's in there. He then asked what the Applicant's team recommends for a tower in that setting.

Michael Cusack responded if the Board wants to keep with the agricultural feel and setting, the silo is a good option at that height and in that setting. If it has to be taller, then it may not work. He then stated ideally Verizon would like to know if Alternate Site #3 is worth extending the shot clock another 30 days. Verizon would like to establish if that's the direction the Board is going tonight and if there is any further discussion needed or anything else needed, to please let him know.

Chairman Ian Murray stated he believes they have a clear direction - the first proposed option is not going to work, the other 413' site is not an option, and Alternate Site #2, the Board's choice, is out due to the Peck's refusal for that site. So Alternate Site #3 is the only viable option. The question now is, do they go with the silo design or the monopole design and do they want a barn structure as the containment building.

Patrick Hanehan asked Chairman Ian Murray what his opinion is; silo with a barn structure or a monopole.

Chairman Ian Murray responded from the easterly view to the west and most of the southerly view looking northward, he thinks a monopole would be a better option because it blends in better there. His main concern though, is the impact on the neighbors and the neighborhood. He diverts back to the silo because he feels, ideally, the Board's protection is to the surrounding neighbors and neighborhood. The silo with barn structure is his choice. He's not too worried about the barn structure, he feels it will blend in with the surroundings and with the natural berm that is there, and he doesn't think you'll notice it too much.

Chairman Ian Murray stated SEQR is 90% complete and after looking at the calendar with the Board, they have decided to hold a SEQR Workshop on January 16, 2013 at 7:00 p.m. to complete SEQR; a determination will be made on this application after that.

Chairman Ian Murray asked if there were any questions; there were none. He then stated the Board's general direction is going with the silo and barn structure. He stated the Board would like to see, not necessarily engineered drawings, but some simulated drawings or something from the manufacturer on what the roof structures of the containment building would look like and then they can make a determination from there.

Chairman Ian Murray questioned if the service wires and the communication wires they need to put in, running from the building back to the network at the road, will run under the farm road or along the edge of the road.

Michael Cusack responded they will run along the edge of the farm road.

Chairman Ian Murray then stated the original drawing showed an 18' roadway and David Weisenreder, after a brief discussion with the Board, said they'll do a 16' wide road.

Chairman Ian Murray stated the land owner to the north of the property has a right-of-way through there and will be using it. He added they had been looking at this from a SWIPP standpoint.

David Weisenreder stated they will be disturbing 0.91 acre for the roadway.

Town Engineer Ken Martin asked the Applicant if they will confirm the land disturbance and David Weisenreder said yes. After a brief discussion, it was decided that David Weisenreder would email that information to Chairman Ian Murray since he has the advantage of CAD and he will forward that information to Town Engineer Ken Martin.

Dean Long asked if they will be using a generator and was told yes, it will be in the shelter. He then asked if they will be using propane or diesel fuel and was told diesel fuel and it will all be inside the shelter. Dean Long questioned if there is another set of louvers for exhaust or intakes and was told yes. He then questioned if they will be using the same generator as in the original proposal and was told yes.

Chairman Ian Murray asked if the muffler is on the inside with an exhaust pipe outside and was also told yes.

Michael Cusack said he'd like the letter to extend the shot clock to January 23, 2013, signed by the Chairman.

Chairman Ian Murray signed the letter and handed it to Michael Cusack.

Michael Cusack stated they are in agreement to extend the shot clock and they will be attending the SEQR Workshop on January 16, 2013.

Returning

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

Old Business:

New Business: Chairman Ian Murray stated SEQR Workshop will be held on January 16, 2013 at 7:00 p.m. Patrick Hanehan stated he will be out of state and unable to attend the SEQR Workshop.

Chairman Ian Murray also stated that The Saratoga County Annual Training Conference will take place on January 30, 2013. Please email Clerk Linda McCabe if you plan on attending, along with the courses you wish to take and she can register everyone at the same time.

Chairman Ian Murray made a motion, seconded by Brandon Myers to adjourn the meeting at 8:33 p.m. Chairman Ian Murray – aye, Laurie Griffen – absent, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski - aye, Brandon Myers – aye.

Carried 6 – 0

Meeting Adjourned

The next regular meeting will be held Wednesday, January 23, 2013 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe
Planning Clerk