

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES
July 22, 2009**

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

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

Also attending: Town Engineer Ken Martin, Dean Long, Mr. & Mrs. Todd Yellen, Dave Brennan, Mark Sweeney and many other interested persons.

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

Approval of Minutes: A motion was made by Laurie Griffen, and seconded by Patrick Hanehan to accept the minutes of the June 24, 2009 meeting as written Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – absent, Alternate Joseph Lewandowski - absent.
Carried 6-0
Approved

Board Member Jennifer Koval arrived at 7:32 p.m.

Public Hearing for Minor Subdivision

**Todd & Diane Yellen #09-06
179 Swamp Rd.
Schuylerville, NY 12871
S/B/L 182.-2-6.12 Rural**

Returning Applicants propose to subdivide their 4.12 acre parcel located on Swamp Rd., into two lots in order to sell their current home and construct a new home.

Mr. & Mrs. Todd Yellen appeared before the Board. Chairman Ian Murray stated there was only one concern and that is the septic design for the new/future home. He explained to the Applicants that the Board has regulations they have to abide by and the Applicants can either put fill on the site and have it sit there for a year and go for approval after that or they can do an engineered septic design and get it approved with the subdivision. The Board has to have one of those two in order to approve it. He also stated he and Town Engineer Ken Martin have talked this over and they understand that the Applicants have not yet picked out a house; they are unsure if it will be three or four bedrooms and they are unsure of the exact location where they would like to build it. Chairman Ian Murray and Town Engineer Ken Martin suggested they should go with 4 bedrooms just for the design purposes because their design can be changed but the soil conditions of the land will stay the same. Town Engineer Ken Martin also suggested they pick out a spot; the worse spot, and design for that, then they'd have the worse case scenario and it can only get better from there. Chairman Ian Murray added he knows the Applicants discussed possibly moving the house forward and if they want to do that they would have to attend a ZBA meeting and gain approval prior to moving forward with the subdivision because they would need variances for their setbacks. Mr. Yellen stated they will do that. Chairman Ian Murray asked if there were any further questions from the Board; there were none.

Proof of Notice having been furnished by newspaper on July 12, 2009, Chairman Ian Murray opened the Public Hearing at 7:35 p.m., asking those wishing to speak to please stand and state their name and address.

No one came forward.

Chairman Ian Murray asked if there were any other questions of the Board, seeing none
Chairman Ian Murray closed the Public Hearing at 7:36 p.m.

Chairman Ian Murray read the letter from the Saratoga County Planning Board indicating no significant county wide or intercommunity impact; decision- approve with no comment.

Paul Griffen 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, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – aye. **Carried 7-0 Accepted**

Chairman Ian Murray made a motion, seconded by Robert Park to approve this minor subdivision as proposed with the following condition:

Applicant is to return with the engineered septic design for Town Engineer Ken Martin's review before plans are filed.

Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – aye.

Carried 7-0

Approved

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 on 219 Hayes Rd.

Mark Sweeney and Dan Schweigard appeared before the Board on behalf of the Applicant.

Mark Sweeney gave a brief recap of their application and stated they submitted additional materials to the LA Group to answer their questions and after conversations with Dean Long of the LA Group they have further information to submit:

- materials to confirm the EAF
- letters from National Heritage that state there is no occurrence of threats to rare or dangerous species
- alternate design information such as photos of styles of towers they can utilize; green sticks (monopole tower with antennae inside, painted green), lattice tower, pine tree application etc.
- all filings for SHPPO have been submitted and the time period has elapsed for their review. It states under their regulations that if the time period expires it deems that no historic properties are affected and a copy of that regulation is supplied.

Once they have this all compiled they will give a final EAF form to Dean Long for his review and

to the Board for their review.

Mark Sweeney then stated they have been trying all along to work with Verizon to determine

what can be done to accommodate their needs in order to have them co-locate on this tower. Recently Verizon has determined that Independent Towers will have to go to 190' elevation in order to meet their coverage needs; this will put Independent Towers' tower at the same altitude as the currently proposed Verizon tower. Independent Towers is willing to do so, but is aware they will need an additional visual assessment. The change in elevation should likely have little effect on visibility. They are asking the Board to permit them to assess that visibility with another balloon float test and photo simulations to check the height to see if they can accommodate Verizon and to see if it is acceptable to the park service. Once that is completed they can resubmit to the Board and the County Planning Board and then continue with the necessary steps required. They would like to complete this promptly and quickly in hopes of having those answers for the next Board meeting. He then stated he believes the site they are proposing is a benefit in terms of community character; it has very little impact on the community character by using the landfill site, it is an existing disturbed site, it has an existing access they can utilize, it is a large parcel with no residences nearby and this is a good reuse of the site for this purpose. They will do an amended application and have the information/documentation to the Planning Clerk two weeks prior to the August meeting along with a revised EAF; much of that information will be the same as has already been provided, but the visual assessment material particular to that extension will be submitted along with the revised EAF.

Chairman Ian Murray stated this negotiation between the two Applicants has come about within the past week and he thinks it would be a great warranted exercise to continue. He also feels they may need a community impact study on the amended application. Mark Sweeney will gladly do so and will have it submitted with the other materials. In keeping with timing for the next meeting, they would like to float a balloon on August 1st and a rain date of August 3rd. They will then have about 10 days to get their material together and have it submitted by the 12th in order to appear here on the 26th. It should also give enough time for the county to review and act upon the material for the amended application and get a response to this Board in time for the next meeting. Chairman Ian Murray suggested, due to time constraints, that they supply the information to the Board members themselves in order to be ready for the August meeting. Mark Sweeney stated they will deliver directly to the Board members and they will prepare a legal ad stating August 1, 2009 and rain date of August 3, 2009 for the float dates between 8:00 a.m. – 12:00 noon.

Chairman Ian Murray asked if there were any questions from the Board.

Robert Park questioned if the antennae array will change significantly if Verizon co-locates and Mark Sweeney responded no. He added that Hudson Valley Wireless contacted them and would like to co-locate on their tower also.

Robert McConnell questioned if it is possible to float two days since people work and travel. He suggested they float both Saturday, August 1st and Monday, August 3rd.

Robert Park questioned if this could be posted on the website and Mark Sweeney said he will check.

Dan Schweigard stated perhaps they can float Saturday and Sunday. Chairman Ian Murray responded that people are away on weekends and he would like to see them float on Saturday and Monday as suggested by Robert McConnell as a good faith effort, to get as many folks to see it as possible. Mark Sweeney and Dan Schweigard agreed; balloon float will take place on Saturday, August 1, 2009 and Monday, August 3, 2009, 8:00 a.m. – 12:00 noon.

Chairman Ian Murray questioned consultant Dean Long, of the LA Group, to what extent should they look for the radio frequency (RF) mapping on those heights; just at the proposed height, the ten foot increments or what. Dean Long responded with radio frequency (RF) mapping, the higher you go the further out your signal will go. The issue is, when you go up to 190' how does the visual change, if you can see it you can get frequency. If you go 190' with three panels below, it's a more visible structure, so you have to reconcile that with the Town ordinances that say co-locate, along with the community impact, which can be a challenge. He continued

explaining how the radio frequency (RF) mapping is done. Mark Sweeney stated they are looking at the delta between 150'-190' and Dean Long said correct and to get the record complete the Board has the obligation to think about future applicants; you don't want to go above 200', but not below 150'.

Chairman Ian Murray stated, to echo a comment consultant Dean Long made; he thinks these both were proposed too low for co-location purposes.

Paul Griffen questioned if this would affect their FAA determination. Mark Sweeney responded he doesn't foresee any issue; they had a 180' FAA no hazard determination along with the 150' already, and this will be the same elevation as Verizons' proposal but he will reconfirm with the FAA. Paul Griffen then commented that this really doesn't help them differentiate the two towers because once they are at the same height they'll really have the same community impact. Mark Sweeney responded yes and no; it is their job to bring that evidence to the Board so the Board can understand the relative impacts. They are reusing an existing site rather than a raw land site where there is no existing usage; so there are differences there and yes, a tower is a tower, and it will have an impact and that impact will be similar. Each site is unique in where it is visible; will there be many similar areas where they are visible, yes. But there will also be areas where one site will not be visible over the other due to topography and distances between. Can you see it from the Battlefield, the Monument, from other areas of important views; these will have to be assessed. If you find these are the same then there are other factors to look at such as economic factors- the Town receives rental payments on this site, how does that play into this, also safety issues-this is a large parcel away from everything, access issues-existing access on this site; there are a host of issues that roll into the decision of community character as opposed to being just tower vs. tower and that is the Applicant's job to do. The visual maps and line of sight study will show where Independent Towers' site is different. Verizon has already provided the Board similar information and the two can be evaluated side by side; so that is a tool the Board can use.

As to the signal strength, he thinks Verizon's recent packet stated that even at 190' Independent Towers doesn't touch certain areas that they would otherwise have at their location, but for covering Rt. 29 it's substantially the same and that is Verizon's primary objective. So there is little difference in visibility there, and again, it's from a planning standpoint: what is the surrounding area, what's the land being utilized as, what's your access and terrain and all those questions, so that's how we looked at it and evaluated those factors.

Patrick Hanehan questioned how many co-locaters can be on and get service coverage and Mark Sweeney stated at 190' they would have at least 5 spots plus the county antennae; basically everything would be shifted up.

Chairman Ian Murray stated seeing that this application may be amended they will keep the Public Hearing open again. He then stated at this time, 8:03 p.m., the Public Hearing for this application is resumed and we are limiting comments to 3 minutes because this will be continued at the next meeting. If anyone has any questions, concerns or comments, please stand and state their name and address.

Raymond DeRidder, 180 Walsh Rd., stated he is concerned his property value will go down if Independent Towers goes in.

William Corrigan, Walsh Rd., questioned if both of the applications, along with new materials submitted, are all on the same format.

Chairman Ian Murray responded it's getting there but it's not complete in parallel just yet.

John Deyoe, Rt. 68, questioned what time the balloon float will take place and was told 7:00 or 8:00 a.m. – noon on August 1st and 3rd.

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

earlier this week and they feel this application is not complete and they will not schedule a SEQR workshop yet. He was hoping to have it in between the next meeting and begin to work on part II, but he and Dean feel that the application is not complete and more information is needed.

Chairman Ian Murray then stated at this time; 8:21 p.m. the Public Hearing for this application is still open and, going over to Town law 274-A because of the clock, we have to keep it open or we can take the SEQR and say it is not complete; but it's probably just as easy to keep the public hearing open at this point. Dave Brennan stated they aren't playing with the SEQR clock, they've been here for four months now and they'll just continue with the open public hearings. **Chairman Ian Murray added they are limiting comments to 3 minutes because this will be continued at the next meeting. If anyone has any questions, concerns or comments, please stand and state their name and address.**

Marshal Cassidy, Walsh Rd., stated with seasonal changes, sound changes; you say the decibel level stays at 52 and Dave Brennan responded yes at 560' away.

Mr. Trevor, Co Rd., stated he has reviewed the minutes of the past couple of meetings and he doesn't know all about impact, but basically the landfill is not a desirable piece of property and if the Town can generate some money using it, they should do so. It seems to be to everyone's advantage to use that site. He questioned if that site is less desirable for coverage; if not, and again if the Town can generate money at Town level, then you can do something for all the residents of the Town and it seems that site should be the Board's choice.

Chairman Ian Murray then stated at this time, 8:25 p.m., we will suspend this Public Hearing until our next meeting.

Dave Brennan thanked the Board.

Old Business: None

New Business: None

Board Member Robert Park stated, for the record, that he read the Zoning Board of Appeals June meeting minutes and he was furious with the Town Attorney's comments. He added that he is now on his second term as a Planning Board member and he has never missed a meeting in all these years; yet he can count on one hand the number of meetings when the Town's Attorney has been present. He doesn't think the Town's Attorney is supportive of the Planning Board and he should not be making those comments; he should be attending the Planning Board meetings or keep quiet.

Chairman Ian Murray made a motion, seconded by Laurie Griffin, to adjourn the meeting at 8:33 p.m. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – aye.

Carried 7 – 0

Meeting Adjourned

The next meeting will be held August 26, 2009 at 7:30 PM.

Respectfully submitted,

Linda McCabe
Planning Clerk