

**TOWN OF SARATOGA
PLANNING BOARD MINUTES
June 24, 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 – present, and Alternate Joseph Lewandowski – present.

Also attending: Town Engineer Ken Martin, Mrs. Blodgett, Clarence Fosdick, Dave Brennan, Mark Sweeney, Jim Vianna 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 Paul Griffin, and seconded by Robert Park to accept the minutes of the May 27, 2009 meeting as written Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – abstained due to being absent from May's meeting, Patrick Hanehan – abstained due to being absent from May's meeting, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – abstained due to being absent from May's meeting.

Carried 4-0

Approved

Lot-Line Adjustment Conference

**Hollis F. Blodgett #09-09
1011 Middleline Rd.
Ballston Spa, NY 12020
S/B/L 180.18-1-14 Lake Commercial**

**Location: 1451 Rt. 9P
Saratoga Springs, NY
12866**

Applicant proposes to adjust his lot-line to sell a piece of land to his next door neighbor.

Mrs. Blodgett appeared before the Board stating she and her husband would like to redraw their boundary line to convey the west piece of land that juts out, to their neighbor. They don't use that piece of land and it would improve their neighbor's boundary line. Chairman Ian Murray questioned if their house is hooked up to sewer and was told yes. Chairman Ian Murray explained he asked that question because if in the future they wanted to sell their property, the Board has to make sure that it is a conforming lot; that they are not creating a non-conforming lot with this lot-line adjustment. Chairman Ian Murray asked if there were any questions from the Board; there were none. Chairman Ian Murray then stated that the Applicant will need an updated survey completed since they are selling that piece to their neighbor, once that is done they need to bring in the survey map for the Chairman's and Town Engineer's stamp and signatures on the map, and then they will need to take it to the County and file it.

Mrs. Blodgett thanked the Board.

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 & 3 Lake Commercial**

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

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

Mr. Yar Zujovic appeared before the Board on behalf of Mr. and Mrs. Pravda. He presented a depiction of the property with the eight townhouses they would like to build for the Board and public to view, stating that the depiction was showing only 14.4% of the property which is a lot less than the existing trailers and two buildings that are there, so it is a smaller footprint. He stated there will be a change with the drainage there; after talking with the state engineer they got the okay, and are awaiting a letter from him, to put in a manhole and drain it under the road and out the other side onto property that Mr. Pravda owns across the road, instead of on the lower end of the property. Mr. Pravda will be giving the state an additional 3 feet of land near the location of their ticket booth on that side of the road. Chairman Ian Murray stated we have visited this before; a couple of years ago, and to be honest nothing has changed with this proposal. As far as the Town of Saratoga zoning regulations go it cannot happen the way it is proposed; you can only have 4 townhouses per acre in the Lake Commercial District. Mr. Zujovic asked if they could send him to the Zoning Board of Appeals (ZBA) so he could get the 8 townhouses from them and Chairman Ian Murray responded that would be the Zoning Board's decision; this Board could certainly deny him and send him there. Mr. Zujovic then asked what if he went for 4 townhouses with this Board and then to the Zoning Board for an additional 4 and Chairman Ian Murray stated it is the same thing; either the Board denies this application tonight and you get sent to the ZBA and you take it up with them now, or you do the same thing next year, but you need to understand the whole site plan review for the site is the Planning Board's responsibility. If we approve it with 4 townhouses, that's all you can build there. The ZBA is **not** going to come back and say 'you can put 4 more in there'.

Patrick Hanehan stated that if they deed 3' to the state they may be under 1 acre and then unable to even do the 4 townhouses. Robert Park questioned if everything currently there is serviced by the trunk line and Mr. Zujovic responded yes, 14 units and they have a letter from Jim DiPasquale stating they have sewage capability for 14 units there right now. Town Engineer Ken Martin stated he has a letter from Jim DiPasquale stating there are 5 units on one piece and 3 units on the other piece. He explained to Mr. Zujovic that what Patrick Hanehan was saying about watching what they're doing with the property line; they are so close to that one acre now that if they take anything out they would soon be below one acre. Mr. Zujovic stated no, it's only three tenths of an acre there. Town Engineer Ken Martin said but if Mr. Zujovic goes by his sheet, it is only 1.02 acres right now. Town Engineer Ken Martin stated Mr. Zujovic needs to check it very closely. Mr. Zujovic said that Tommell & Associates surveyed it and found all the boundary lines. Chairman Ian Murray questioned if Saratoga Associates are working with an updated survey and Mr. Zujovic responded yes they are. Chairman Ian Murray then said to Mr. Zujovic that this is a Public Hearing tonight and the Board can open the Public Hearing now, deny the application and send him to the Zoning Board of Appeals, or Mr. Zujovic can withdraw the application and at some time just talk and question the Zoning Board on his own, without being sent by the Planning Board, it's his decision. Mr. Zujovic stated he wanted to withdraw the application and just talk to the Zoning Board of Appeals.

Withdrawn

Public Hearing for Minor Subdivision

**Jillmar, LLC #09-07
274 Rt. 32
Schuylerville, NY 12871
S/B/L 182.-1-3.111 Rural**

Returning Applicant proposes a two lot subdivision located on Rt. 32; lot 1 to remain the existing horse farm of 64.72+/- acres and lot 2 to be a 10 acre parcel offered for sale.

Jim Vianna appeared before the Board on behalf of the Applicant explaining since last month the survey is complete and the corporation owns 75 acres on the east and west side of Rt. 32 at the intersection of Rt. 68. They would like to subdivide 10.16 acres on the south side of Rt. 32. The north boundary would be Rt. 32, east boundary would be Casey Rd., south and west boundaries would be the stream down at the bottom of the ravine. He put a building envelope that basically encompasses the field and top of the hill and stays out of the ravine. The soil engineering has been completed and he also submitted an engineered raised septic system design. Chairman Ian Murray questioned the sight distance for the proposed driveway and Jim Vianna responded there is 1000' of sight distance and the driveway will be within that area. Chairman Ian Murray stated he would like 500' on either side of the driveway and have that designated on the map. He also added that he and Town Engineer Ken Martin received the soil engineering and Keith Manz's generic design, and after talking, Town Engineer Ken Martin feels it is inadequate. It only gives the basis of design; there is no design done, its right out of Department of Health. Jim Vianna responded they have nothing to design to-they identified soil characteristics but to do a proper design you need number of bedrooms etc. and they don't have a buyer yet. Once there is a buyer and a home is designed, then they would get into doing a proper design. Chairman Ian Murray stated there are two options; go with the sand on the site or fall back to the agriculture language; remaining in agriculture until, if in the future, they want to develop they will have to return to the Planning Board. Jim Vianna responded he would like to fall back on the agriculture language. Chairman Ian Murray asked if there were any other questions from the Board. There were none.

Proof of Notice having been furnished by newspaper on June 14, 2009, Chairman Ian Murray opened the Public Hearing at 7:50 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 7:51 p.m.

Chairman Ian Murray read the letter from the Saratoga County Planning Board indicating no significant county wide or intercommunity impact.

Paul Griffen read the short form EAF, line by line, which was completed by the Board. Chairman Ian Murray made a motion, seconded by Laurie Griffin 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**

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

- 1. Agriculture Note stating this is to remain in agriculture**
- 2. No entrance off of Casey Rd.**
- 3. Locate the driveway in the center of the 1000' area of frontage on Rt. 32.**

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

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

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

Mark Sweeney, Attorney, appeared before the Board on behalf of the Applicant stating he understands after listening to the previous application that there is a letter of completeness prepared for him also from the LA Group. Chairman Ian Murray stated that is correct and then asked him to give a brief review of this application. Mark Sweeney stated they are proposing a 150' monopole telecommunication's tower, with accommodation for co-location of four additional carriers, located on the Town of Saratoga Land Fill on Hayes Rd. He reviewed the view shed analysis, showing on the maps the areas of the 2.5 mile radius and the 5 mile radius explaining the different areas where the tower will be partially visible; saying it doesn't mean you will see the entire tower. Both of the maps take into account the topography that would block the view of the site and also takes into account the foliage that is shown on the USGS maps and the reason that is significant is that the foliage is large mass foliage. It doesn't take into account structures on the street, trees on the street or individual trees or clumps of trees that may significantly block your view. They will be using already disturbed areas of that land, they will be using the existing access road, and they will not have to do any improvements other than perhaps putting down some gravel for a smoother entrance. They will not be on the portion used as the land fill, but off to the side. It doesn't require any clearing to accommodate the 60' x 80' compound around the tower; and there is suitable access for emergency and maintenance purposes if and when needed. They feel this is a good use for that type of industrial property and beneficial for the area. This is a large parcel with no residences or structures within the immediate area. One of the benefits of using this site is that it is what's called a 're-use of an existing industrial used land fill site'. It's already been disturbed, it's already been used and they will be utilizing that area for the tower instead of disturbing new area. Mark Sweeney then stated that additional information they provided is Radio Frequency information, which is the coverage this site will provide. There are no real structures in the area or existing towers that can be used to provide coverage in the area, and that is why they need to erect a tower. They believe the 150' will provide adequate coverage for much of the area. They also have a tentative agreement with the County for co-location and it will still allow co-location of 3 additional carriers. They had their pre-submission conference with this Board and the Board gave them a list of questions to answer. They prepared their application, answering all the questions set forth in the zoning law regarding telecommunication towers and gave that submission to the Board. They then conducted the balloon tests in accordance with the Town rules, photographs were taken, particularly from the top of the monument, to determine if it would be visible. It was determined the site would not be visible from the monument. They provided the National Park Service (NPS) representatives with copies of their information; the NPS reviewed that material and they were present at the balloon test and the NPS has determined that there is no adverse effect that will occur on the parks from this project. And that is very important for the project. Mark Sweeney then stated they are awaiting comments from the LA Group in order to understand the particulars they would like Independent Towers to provide. They are happy to gather and provide that information, hopefully by the deadline for the next agenda. Chairman Ian Murray thanked him.

Chairman Ian Murray asked if the Board had any questions.

Patrick Hanehan questioned if the county was interested in the Verizon site and Dave Brennan responded no, they haven't heard from the county but could he could reach out to them and ask. Jennifer Koval questioned if Independent Towers has the same microwave capability as the other and Mark Sweeney responded that there is space on the tower to accommodate whatever the needs are for the particular users. If Verizon comes to their site and has a need for a microwave dish on there, it would be accommodated. If, for example, the county is on there and Verizon comes and they can't have that on the right places, they may not be able to use that particular antennae type; they could use panel antennae but all that would be worked out once the final site is selected and the final equipment is selected. They try to accommodate everyone on the tower.

Chairman Ian Murray stated, as he did for the last application, the Town of Saratoga has retained the architecture and engineering firm of the LA Group to help the Board go through and evaluate this application for the telecommunication tower. A letter of completeness was received on June 19th and requested more information from the Applicant, which the Applicant has received tonight, so they will furnish the Board with more information prior to the next meeting so we can continue moving forward. We left the public hearing open from last meeting and will continue leaving it open until our next meeting because our consultant, Dean Long, could not make it here tonight.

Chairman Ian Murray then stated at this time, 8:14 p.m., the Public Hearing for this application is resumed and we are limiting comments to 3-5 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.

William Corrigan, 207 Walsh Rd. questioned if the LA Group was reviewing each of these applications independently and will there be conclusive summaries of positives and negatives of each site.

Chairman Ian Murray responded each site will be reviewed independently and a separate summary will be done of each site; to date we have received the letter of completeness asking for more information from each Applicant to be submitted to the Board and the LA Group.

William Corrigan then asked if it's possible that the LA Group will acquire the information, make their summary reviews and get back to the Board by next month.

Chairman Ian Murray responded possible but doubtful.

Mark Sweeney, Attorney for Independent Towers, added it will depend on how quickly we can get the information to them in order for them to assess our applications and materials that are required by code and required for their SEQR analysis; then once past that they will move forward. Mark Sweeney also stated that one significant step in this process is complete, and that is that the Saratoga County Planning Board reviewed this project and returned a letter to the Board saying there is no significant county wide impact and several comments concerning looking at both sites together and such which this Board is already doing. Chairman Ian Murray stated correct.

Dave Brennan, Attorney for Verizon, stated to follow up, the LA Group was asking about the height of the towers so they can evaluate one site against the other since there is no intention to have two towers side by side.

William Corrigan stated with all due respect, are you saying there is no intention to build two towers; but if I understand correctly, these applications are independent of each other.

Chairman Ian Murray said that is correct.

William Corrigan so these are not necessarily mutually exclusive, saying yes to one, one doesn't necessarily go away.

Dave Brennan, Attorney for Verizon, stated that at a previous meeting he did say Verizon is not averse to going on Independent Towers' tower, but it does have to work and fill in the area of coverage they are seeking.

Pat Hanehan questioned if the L A Group decides on the 150' tower and then it's found that 180' is needed, do we have to redo this application process.

Mark Sweeney, Attorney for Independent Towers, responded this has happened from time to time when a co-locator says they need to go higher; it is the obligation upon that carrier to come to us and say this is why it's needed and they would have to come to the Board and present their case and go from there. Towers can be built to be extendable, it's basically how the foundation is built; making sure it's strong enough to hold the extra weight. So it is sometimes contemplated if you want a bigger structure, you build it a little shorter to meet the current needs of the carriers and then have room to expand. There are issues with that because there are carriers up and operating and you'd have to turn the equipment off essentially to make the adjustments and we don't like to do that. That is a problem and it defeats the purpose of the site. Again, its all things that can be balanced, but generally they definitely would have to come back before this Board.

Chairman Ian Murray thanked him.

Chairman Ian Murray then asked if there were any other questions. Finding none, **Chairman Ian Murray closed this portion of the Public Hearing at 8:24 p.m.**

Chairman Ian Murray then stated this concludes this application for the Independent Towers Special Use Permit and as indicated this Public Hearing will remain open for our next meeting.

Returning

Site Plan Review

Richard Furlani
106 Broad St.
Schuylerville, NY 12871
S/B/L 183.-1-14 Conservancy

Location: River Rd., off Rt. 4, south of
Schuylerville, NY

This application is in front of the Board to consider regulation # 400-8.11; multiple uses.

Pulled at Applicant's request

Old Business: None

New Business: None

Robert McConnell made a motion, seconded by Laurie Griffin, to adjourn the meeting at 8:37 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 July 22, 2009 at 7:30 PM.

Respectfully submitted,

Linda McCabe
Planning Clerk