

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES**

June 27, 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 – present, Patrick Hanehan – present, Robert McConnell – present, Jennifer Koval – present, Joseph Lewandowski – present, Brandon Myers – present, Alternate George Olsen – present.

Chairman Ian Murray introduced and welcomed the new Alternate Member of the Board, George Olsen, to the entire Board

Also attending: Town Engineer Ken Martin, Jesse and Kristen Ashdown, Terry Humiston, Michael Cusack, Rick Andras, Sara Colman, Bernard Buff, Don and Michelle DeGarmo, Michael J. Muller, Gay Gamage, William Corrigan, David Austin, James Jennings and 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, seconded by Jennifer Koval to accept the minutes of the May 23, 2012 meeting. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – abstained due to absence at last month's meeting, Robert McConnell – aye, Joseph Lewandowski - aye, Brandon Myers - aye.

**Carried 6 - 0
Approved**

Public Hearing for Subdivision

**Jesse & Kristen Ashdown #12-05
127 Pearl St.
Schuylerville, NY 12871
Location: 1117 Rt. 29
S/B/L 156.-3-10.2 Rural Residential**

**Owners: Norman & Lynn Humiston
1117 Rt. 29
Schuylerville, NY 12871**

Mr. & Mrs. Norman Humiston propose to subdivide a 2+/-acre parcel from their 34+/- acre parcel for their daughter and family, Kristen & Jesse Ashdown, to build a 3000+/- sq. ft. single family home, located at 1117 Rt. 29.

Returning Applicants Jesse and Kristen Ashdown, along with their surveyor Terry Humiston, appeared before the Board, stating they had approval from the state to go forth with the curb cut and proceeded to show the Board a short video of various vehicles entering Rt. 29 from Rt. 338 with the time span from that stop sign to their driveway location; he also showed the line of sight they have from the west, which is plentiful. They also stated they've completed the septic plan, deep hole test, and the well has been dug.

Chairman Ian Murray stated he has no questions. Chairman Ian Murray then asked if there were any questions from the Board; there were none at this time.

Proof of Notice having been furnished by newspaper on June 17, 2012, Chairman Ian Murray opened the Public Hearing at 7:41 p.m., asking those wishing to speak to please stand and state their name and address; no one came forward. Chairman Ian Murray closed the Public Hearing at 7:42 p.m.

Laurie Griffen read the short form EAF, line by line, which was completed by the Board. Chairman Ian Murray made a motion, seconded by Laurie Griffen to accept the documents as presented, to declare the SEQR review complete and to make a Negative Declaration. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye.
Carried 7 - 0
Approved

Chairman Ian Murray made a motion, seconded by Laurie Griffen, to approve the application as proposed, upon condition of Town Engineer Ken Martin's final approval of the septic design. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye.
Carried 7 - 0
Approved

**Donald DeGarmo #12-02
141 Rt. 32 South
Schuylerville, NY 12871
S/B/L 169.-2-30 Rural**

**Owner: Estate of Herbert W. DeGarmo
c/o Ifigenia T. Brown, Esq.
1 East High St.
Ballston Spa, NY 12020**

Returning Applicant proposes a four lot subdivision of the Herbert W. DeGarmo Estate, located at 141 Rt. 32 South.

Mr. Michael Muller, Attorney, appeared on behalf of the Applicants. He reviewed their application and stated that Terry Humiston updated the survey as per Board request. Chairman Ian Murray stated the Board had questions concerning Lot 4; they had wanted tie arrows of Lot 4 with the parcel south of 32 and it didn't show on the survey.

Terry Humiston stated he can add the tie arrows and will add a sentence in the survey to tie it, but not a full description since he didn't survey that piece.

Chairman Ian Murray stated he will have Town Attorney William Reynolds review it and then they can go forward.

After a lengthy discussion between the Board, Terry Humiston and Attorney Michael Muller concerning tax parcel 26 and 7, it was decided they will do a lot-line adjustment and a proposed deed describing the inclusion of the land south of 32 as Lot 4 and deed it from the Estate to James DeGarmo.

Proof of Notice having been furnished by newspaper on June 17, 2012, Chairman Ian Murray opened the Public Hearing at 8:03 p.m., asking those wishing to speak to please stand and state their name and address.

Jim Jennings, Minnie Bennett Rd, questioned if the Fish Creek Rod and Gun Club is grandfathered in because Jim DeGarmo told him the land will remain in agriculture and he wants

to be sure the lot-line adjustment won't affect the shooting activities of the club. Chairman Ian Murray responded that is a legal question and the Board cannot specifically answer it, but as far as the Board is concerned the farm and the estate predate the Fish Creek Rod and Gun Club and the gun club predates the subdivision plus the club has been there 20+ years; he believes it would be grandfathered, but he will ask the Town Attorney to look into that.

Attorney Michael Muller agreed with Chairman Ian Murray; stating the club has been there and is grandfathered in for its uses. Lot 4, which is across from the club, has a stipulation that it will remain in agriculture. If for some reason James DeGarmo decides to sell that property in the future, whoever purchases it will have to come before this Board before doing anything. As for now, that land is staying a cornfield. Jim Jennings thanked the Board.

Chairman Ian Murray asked if there were any further questions; seeing none Chairman Ian Murray closed the Public Hearing at 8:08 p.m.

Laurie Griffen read the short form EAF, line by line, which was completed by the Board. Chairman Ian Murray made a motion, seconded by Robert McConnell to accept the documents as presented, to declare the SEQR review complete and to make a Negative Declaration. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye.
Carried 7 - 0
Approved

Chairman Ian Murray made a motion, seconded by Laurie Griffen, to approve the application as proposed, with the condition of tying Lot 4 with the adjacent land south on Rt. 32, and final review by Town Attorney William Reynolds. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye. **Carried 7 - 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
Location: 178 Wagmans Ridge Rd.**

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

Returning 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.

Returning Applicant Attorney Michael Cusack, along with Rick Andras and Sara Coleman, appeared before the Board reviewing the application and stating they'd like to go forward with a balloon float on Saturday, July 14, 2012 from 8:00 a.m. – 12:00 noon and in case of inclement weather they'd like to float on Monday, July 16, 2012 or Saturday, July 21, 2012. They stated they will notify neighbors within 500 feet of the site and the Town can advertise in the paper if they consider it necessary. It was then stated they have been hoping for a response from Dean Long of the LA Group but haven't heard anything as of yet.

Chairman Ian Murray stated Dean Long of the LA Group, consultant for the Town, is here tonight and Chairman Ian Murray handed the Applicant a copy of Dean Long's response to their application. Chairman Ian Murray stated that Dean Long has met with Town Engineer Ken Martin and himself to review the application and the memo response he handed out is from that meeting. Chairman Ian Murray offered the Applicant time to review the memo response before proceeding.

Consultant Dean Long reiterated that he met with Chairman Ian Murray and Town Engineer Ken Martin a week ago to review the cell tower application in relationship to the Town's local ordinance. He stated he feels the Applicant has boxed the town into a corner as it relates to this facility; in 2009/2010 when the Hayes Rd. site was approved for a cell tower, it was approved for the 190' with Verizon/Cellco's approval of their co-location on that tower. Clearly we have an application for a new tower, at a new site, which runs counter to the structure and intent of the local ordinance and that is a problem. Part B states exactly the way the ordinance is set up, as far as what has to be done with a new tower application. There has to be demonstration from the Applicant that the existing tower is not practical. Our problem is that the Board approved the Hayes Rd. site two years ago, and the Applicant has not provided any technical reasons why that site is not practical. All the Applicant has done with this current application is provide information that the Hayes Rd. site doesn't meet their needs. That doesn't meet practical standards. The Applicant has provided the Board nothing that shows structurally the tower can't do it, they've provided the Board nothing that shows financially they can't do it, and they've provided the Board nothing that shows it's totally dysfunctional for the Town. Therefore the Town is kind of boxed into a corner where, on record as it now stands, given that the Hayes Rd. was previously approved, there is nothing in this application proving that that site is impractical. The Board needs to go forward and figure out what should be the next step. Part of the record, to the Applicant's credit, is that they've been incredibly honest about the whole thing. In two places in their document they say they are going to go on the Hayes Rd. tower once they get this new tower in; but if it's not practical now, it won't be then.

When you start looking at the meat of this application, the two feasibility issues with the application is that the search areas the Applicant utilized is so narrow, that it wasn't a viable purpose. At the same time, they presented their Radio Frequency (RF) data of the Hayes Rd. tower which shows it works, yet they say it doesn't fulfill their needs. Throughout their application the Applicant talks about their need to boost their capacity and signal strength and continuity of the system from Saratoga Springs; so the major issue here is that they haven't put anything in the record that refutes the practicality of using the existing Hayes Rd. tower for the Town. They have put forth very, very limited data specs on alternatives. It is not the obligation of this Planning Board to meet their business plan, which means improving signal capability in Saratoga Springs and Wilton, so that is a problem. There are variations on what was presented in the 2009/2010 application and this tower application. This tower is up at 513 feet altitude and the other is at 400+ feet altitude which could be all the differences you see in the RF diagrams, but none the less, they don't match up. The other issue is they discuss other towers in Saratoga

Springs in their application; one is not yet built and the question is, what happens when that one does get built, etc. So the most difficult issue here is how the Board gets around its' site criteria, where it says the Applicant has to show that there is not a practical alternative.

Chairman Ian Murray said the Applicant states two times in the Visual EAF that the Hayes Rd. site is practical. Dean Long added they also stated it's practical in the RF study on page 4, under Independent Towers/Town Landfill site, last sentence reads: Subject to funding, this site is planned for the next phase of expansion of the Verizon Wireless network to the east in the town of Saratoga; he is unsure what the Board can do with this.

The Applicant stated from the starting point they've tried to emphasize in their material that the technology and its usage has expanded exponentially in the last three years. Greater than 120% increase in data and they have close to 30% – 40% of the population going to wireless phones. There is unprecedented pressure on the network from all directions.

Dean Long responded that is their business problem; the Applicant replied that's reality. Dean Long reiterated it is the Applicant's business problem. The Applicant questioned it's a business problem if someone has an emergency and they can't call 911?

Dean Long responded that it is their business problem that they want to meet that service, yet they haven't used the Hayes Rd. tower that they agreed to co-locate on and the structure of the local ordinance says to absolutely minimize the number of towers, period, so how does the Board get around that?

The Applicant replied it's very, very simple because they have just been given an RF engineering critique of their application by an unqualified engineer in RF engineering. He stated if the Board is charging them for the money he is asking the Board to please hire a real RF engineering expert to review Mr. Andras' report at tab 6 and advise the Board why the reasons they have said makes sense. Barring that, he will try and explain it in common sense terms. Independent Towers site at the height of 190 feet is, plain and simple, terrain blocked into the areas where they now have need of coverage. It was known in 2009 that the Independent Tower site is terrain blocked for their coverage gap and Rick Andras filed a report dated Oct. 24th first referencing an earlier report dated Oct. 7th, explaining this to you and stating very, very clearly if the Hayes Rd. site went, it would work for that part of the Town, but there would still be a need for another site.

Chairman Ian Murray stated he understands that the Board went through this before; they are trying to get back to the practicality and impracticality of it. There is cell service out there as Dean Long has indicated, whether it goes to the 3G or 4G level the Applicant wants as part of their business model, he doesn't know. But this Board would like Verizon to mount their equipment on the Hayes Rd. tower, get it operational, do their RF mapping and see what the needs are throughout the rest of the Town, then come back to us.

The Applicant responded, in their effort to explain why that doesn't make any sense he's tried to outline and illustrate in their report the problems they are having in the city of Saratoga Springs, adding it's not, what was stated by Mr. Long, that Verizon/Cellco is doing this for Saratoga Springs.

Chairman Ian Murray, Dean Long and Patrick Hanehan responded that the Applicant just stated himself that the issue is in Saratoga Springs. Patrick Hanehan also added that in 2009/2010 Verizon/Cellco stated they had a need to serve not only Wagmans Ridge area but also Meadowbrook Rd. area, which is in the city of Saratoga Springs.

The Applicant stated they are telling the Board about Saratoga Springs so they can understand that Verizon/Cellco is revamping the entire network in Saratoga Springs and when they are done with that revamping, the service that is trickling over to the Town won't be there anymore. They need to come in and build a local site to take care of local needs, and a competent RF engineer would understand that and would be able to explain that to the Board and maybe then there would be something to talk about. He said they are explaining what they are doing in Saratoga Springs so the Board knows they are making major adjustments to the network and they are driven by this tremendous need there, that also exists in the Town, but when they take care of it in Saratoga Springs, it doesn't necessarily mean it will work for the Town of Saratoga.

Chairman Ian Murray stated perhaps it would be better for them to fix the problems in Saratoga Springs first and find out what their needs are before doing this.

The Applicant replied the way the system is built, you work from the area where the problem is and expand out, so you start with the core network which is in Saratoga Springs, and you build out and that is why it doesn't make sense; again an RF engineer can explain that to the Board, represent the Board and help walk the Board through that. He added he believes what has been presented to him is a bunch of generalized concerns.

Chairman Ian Murray responded these are not generalized concerns. If the Applicant read through the Town's zoning regulation book, he'd realize that. The Applicant has demonstrated that he's not even looked at our book nor contacted Independent Towers for a hook-up on that tower.

Dean Long stated the Applicant remarked that he is not a qualified engineer; he doesn't believe the Applicant to be a qualified attorney since he's not even read the ordinance correctly. The ordinance says the Applicant will supply materials showing issues of practicality, and that they did not and could not make a deal with Independent Towers.

Mr. Andras stated look at tab 6 exhibit B, look at it.

Dean Long said no, that is not a contractual issue or structural issue or something that goes to practicality and that is what the Board wants.

Mr. Andras responded the whole practicality here is they gave the Board an organized plan for the network, told the Board their intentions, told the Board where this is headed and what their means are; the Board is dictating the network design.

Chairman Ian Murray stated the Applicant told us in 2009/2010 what their intentions were when Verizon/Cellco got denied. They said ok, they could go on the Independent Towers tower at the top spot; that was two years ago and nothing's been done to date.

The Applicant responded that they also told the Board in 2009/2010 they would need a second site and basically the Board is saying that Verizon/Cellco's now being imprudent for going out and trying to solve that problem instead of just jumping in and creating a larger coverage gap?

Chairman Ian Murray replied no, the Board is asking the Applicant to show proof that they, in good faith, have made attempts and intend to co-locate on the Hayes Rd. tower and then come back to the Board. He reiterated in 2009/2010 Verizon/Cellco said they could go on the top spot of the Hayes Rd. tower, yet they haven't even tried.

Mr. Andras said part of the problem is that things have changed significantly since then. The issue is capacity, mostly for downtown Saratoga Springs and the only way to solve the capacity

problem is to shrink the coverage area; so the coverage is now coming from downtown Saratoga Springs to the Burgoyne Rd. area the Applicant is trying to cover. In order to fix the Saratoga Springs problem, that coverage goes away. Then all of a sudden, residents out that way no longer have network coverage. Independent Towers is fine for the eastern part of Walsh Rd. and that area, but if they go on that tower now, it isn't going to do anything for the coverage they need in Saratoga Springs because it is blocked by terrain.

Robert McConnell stated this started because the Town had no coverage on Rt. 29 and it was going to be covered by Verizon/Cellco co-locating on the Hayes Rd. tower so people could get on their phone and hear something. We're still getting the same complaints from the residents because it never happened.

The Applicant responded they told the Board in 2009 there would still be a gap on Rt. 29.

Robert McConnell replied that Verizon/Cellco said they would go on that tower and that would address it.

The Applicant responded that they had said they would work with Independent Towers if they built the tower; what more can he say?

Robert McConnell replied he believes the Applicant stated they would co-locate on the Independent Towers if Verizon/Cellco did not get approval.

Dean Long stated the ordinance specifically says the Applicant has to show they worked with Independent Towers, in writing to the Board, in order to take this next step.

Mr. Andras replied that a lot has happened since then; usage has exploded. They've come a long way since 2009 in building out the 4G network as well as LD usage, so they need to build more sites closer together and natural progression is they need to build a Burgoyne site to cover Saratoga Springs then go back over to Schuylerville. They went from building coverage sites to building capacity sites and now they need to build off the core network for 4G services.

Chairman Ian Murray stated he somewhat understands what Mr. Andras is saying, but Mr. Andras needs to understand what the Board is saying. The Board is trying to follow the zoning regulations of the Town and not pollute the landscape with towers and that is why they stated the Applicant need to go and locate on the Hayes Rd. tower, get their equipment operational and then come back to the Board with their needs. Maybe it doesn't have to be in that spot, maybe it doesn't have to be 85' tall.

The Applicant stated they knew in 2009 where this was headed; they tried to explain that to the Board and he said they understand that the Board made their decision and went the other direction and that's fine. But he'd like to see, for the benefit of Verizon/Cellco, the Board have an actual RF engineer look at this. He said there is Bill Johnson of RIT that the Board could call, have him look it over – there are others the Board could contact to review this. Within Mr. Andras' report there is an explanation why the Independent Tower site is not going to satisfy their company's needs. This is the application in front of the Board and this is the order in which they have to do things. He told the Board please do not try to dictate their network design, or the timing of their network investments – it's not a proper function of the Board.

Chairman Ian Murray replied he understood that; Jennifer Koval stated that sounded like a veiled threat or something and the Board agreed with her.

Chairman Ian Murray told the Applicant to please not dictate the Town's zoning regulations to the Board.

Jennifer Koval said one point of responsibility the Planning Board has, is to have a little control over what happens in the Town, adding she knows there is federal oversight of communication issues, but the Board has the right to decide within the law and that is what this Board is trying to do.

The Applicant replied he didn't understand why this is such a surprise from a planning prospective if the issue was known in 2009.

Jennifer Koval responded that they did understand that, but they also understood there was a lack of coverage on Rt. 29; when the application came before the Board then, it was showing a lack of coverage all throughout the Town of Saratoga. This Board looked at where there was the most need in our Town for coverage and that is how the Board made the decision then; it wasn't what the need was on Meadowbrook Rd., which isn't even in our Town, so that is how the Board chose the Hayes Rd. site. The Board wasn't thinking the Applicant was coming back without first co-locating on that tower. There are still people in our Town who don't have coverage, regardless of 4G service. So the Board is curious why Verizon/Cellco hasn't co-located on the Hayes Rd. tower yet.

The Applicant stated they have to build their network in an organized fashion; they have to address the bigger problems before the smaller problems in way of coverage.

Jennifer Koval replied that wasn't brought up two years ago – building the network out from Saratoga Springs; none of that was discussed.

The Applicant reiterated that technology and its usage has changed dramatically over the years and they have given statistics to support their application and he wants to go forward in a way that makes sense. He said Mr. Myers asked if they could try and organize their problems into a presentation for their hearing, they now have comments from Dean Long to be incorporated into that; they are entitled to a hearing on the application. If there's going to be a technical review by an RF engineer he'd like to get that information so they can address everything all at once and respond to the comments in a timely fashion. He then stated he felt at the last meeting, a lack of trust from the Board on what they are doing and if the Board can't get over that then there is nothing further to discuss. Schedule his hearing and make a decision. He added they've tried to be up front on what they are doing, why they need to do this and he expected a bit more in the way of technical review and was hoping to be able to talk about that with an RF engineering expert to try and smooth that all out. He stated he will look at the questions from the Board, the language of the ordinance and once again said he thought they did a decent job documenting and explaining why the Independent Towers site will not satisfy their coverage needs, adding if there is anything further they can provide the Board, they will do so.

Dean Long stated getting to the Applicant's point, there are other questions in the memo response. He said he's been doing this longer than the Applicant and he understands the evolution of the business. Knowing that the 4G networks require much greater signal strength, much greater signal density etc., what is going to be the specific benefit in the Town of Saratoga by doing this?

Rick Andras responded 4G service.

Dean Long asked for how many people? Just as was done in 2009, we need to get down to the point where the Board is hearing what the benefit is for the Town. Once we have that information it will begin to create a record that allows the Board to think about practicality rather than sitting hear listening to you talk about how things will be improved in Saratoga Springs and how it will create a gap.

Rick Andras reiterated that the Hayes Rd. tower is terrain blocked for the area the Applicant needs coverage in; such as Meadowbrook Rd. and other areas of Saratoga Springs.

Laurie Griffen stated as the Applicant has said, technology has changed so isn't there some way they can modify the tower to make it more practical?

Chairman Ian Murray stated can't they make modifications to the towers that service the city of Saratoga Springs now or make modifications to the build out that was approved at Spa Park on Rt. 50?

The Applicant responded he thinks they are talking about the Avenue of the Pines site and as required, they inventoried all surrounding sites and no, it will not help with coverage of the Town of Saratoga. They can no longer make those sites stretch to reach into adjoining municipalities to provide that service. They cannot modify the Saratoga Springs sites to deal with the capacity needed for Saratoga Springs now and in the future.

Robert McConnell asked if the proposed new tower will provide service to Rt. 29; Rick Andras responded yes it will. Robert McConnell questioned if it will cover the entire corridor? Rick Andras replied no. Town Engineer Ken Martin asked if the proposed tower will cover as much of the Rt. 29 corridor as the 190' Independent Towers site covers. He presented a map showing Rt. 29 being mainly covered.

The Applicant said it will be 2 ½ miles of Rt. 29 that will be covered with the new cell tower.

Rick Andras added heading toward Saratoga Springs at the light (Stafford's Bridge Rd.), Independent Towers has 0% chance of covering that area; Chairman Ian Murray said that's the city of Saratoga Springs line.

The Applicant reviewed Exhibit B of Rick Andras' report with the Board. The Board questioned why the Town of Saratoga should cover Loughberry Lake area; they should put the tower in the City of Saratoga Springs.

Jennifer Koval stated they said their goal was to have a tower every 3 to 5 miles apart and questioned if they will be in front of the Board in a couple years from now? Rick Andras stated there isn't enough population in the area to support an explosion of towers; they can say with some assurance they will need a tower near exit 15, in Wilton and other than that it will be this tower, the Independent Tower and Schuylerville and eventually something in the southeast corner between Schuylerville and the National Park.

Jennifer Koval then asked why they chose to be so close to the neighboring houses on the proposed Wagmans Ridge Rd. site; in a rural area there are silos and barns and other structures. Can't it be clustered with the other outbuildings on the farm and made to look like a silo? She said she would be very upset if she was a neighbor there. A lot of people are upset over this. Most people are upset about the visual aspect of that placement. If you drive to the other east of Southard Rd. and look at the landscape and the farm and how it's laid out; it makes more sense to push the tower closer into the other buildings on that farm.

Dean Long asked if it could be moved so as not to disrupt that field and get it further from those houses; the farm is 30' lower so the Applicant could put in a taller tower at the barn or silo area instead of mid-field.

Rick Andras said he was the one who chose the site. He thought having it closer to the trees, kind of hidden and away from the farm would be better than having it near the other buildings because it would be much taller and stick out like a sore thumb.

Jennifer Koval stated if this gets that far, she would like them to float two balloons – one at the site the Applicant has chosen and one closer to the barn and outbuildings because if you're looking at the horizon it still will be at the same height.

Robert McConnell stated he lives near there and the neighbors are not pleased at all, especially because it would be so close to their backyards.

Dean Long stated, getting back to the response memo concerning the feasibility and practicality, the Board would like to see the Applicant do a crane test or put a transmitter on the top spot of the Independent Towers tower and see if the signal is how they predicted over toward Saratoga Springs, see how much data is actually captured.

The Applicant responded they pretty much already know it won't work for them and explained why. He then asked if they are to schedule a balloon float or are they going down a different path.

Chairman Ian Murray asked the sentiment of the Board:

Robert McConnell stated he's concerned about the balloon float because 8:00 a.m. – noon is not enough time. Too many people are working and will miss it and although they plan floating on a Monday and Saturday, it is summer and a lot of folks are away on vacation. He also believes they need to float for a much longer time span and he believes they need to float in two places at the same time; he thinks most people would want it out of the trees and further down on the property.

Patrick Hanehan asked if they should bother with the float right now; instead have them attach to the Independent Towers tower first.

Chairman Ian Murray responded he believes they have to do the float to continue forward with the application, whether it gets approved or denied. There are some residents of the Town that didn't get to see the pre-application float and he believes they should have the opportunity to speak at a public hearing; if they don't get to see the float they wouldn't have a chance to see what the impacts would be and wouldn't have the information needed to form an opinion.

Dean Long, concerning the balloon float, questioned whether or not there should be an alternate site, whether or not the tower would be taller if it's situated closer to the road to not upset the field, is it something that works for the property owner and will it fill the gap without getting extraordinarily tall; you're looking at 84' – 104'.

Laurie Griffen suggested they go up higher on the property, out of the tree line, away from the trees and houses if possible.

Robert McConnell added there are houses the whole length of that ridge; if they go away from the trees it will stand out, but the families in those houses won't have to view it.

The Applicant stated they need to speak with the property owners to see if it can be moved.

Chairman Ian Murray asked if there were any other Board questions. There were none.

The Applicant stated he believes the balloon float would be premature until questions of moving the location of the tower have been discussed with the land owner. Chairman Ian Murray, as well as Dean Long and Ken Martin, agreed.

Patrick Hanehan suggested the Applicant, in the future, would get a bit further with the Board if he did not speak to the Board in such a condescending manner and he needs to stop with his personal attacks. The Applicant apologized for being defensive.

Chairman Ian Murray asked the Applicant to use a little more tact in the future and added as far as the shot clock is concerned, the application is not complete and he is not worried; this can be dragged on for a couple of years if needed; as long as the Applicant works together with the Board this will continue moving forward.

The Applicant thanked the Board.

Returning

Pre-Submission Conference for Special Use Permit

Kevin & Barbara VanBuren
774 Rt. 29
P.O. Box 3456
Saratoga Springs, NY 12866
S/B/L 156.-2-33, 14 Rural Residential
Location: 1061 Rt. 29

Applicants are seeking a Special Use Permit to open a landscaping business, located at 1061 Rt. 29.

- APPLICANTS FAILED TO APPEAR -

Old Business: None

New Business: None

Patrick Hanehan made a motion, seconded by Robert McConnell to adjourn the meeting at 9:10 p.m. Chairman Ian Murray – aye, Jennifer Koval – aye, Robert McConnell – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Joseph Lewandowski – aye, Brandon Myers – aye.

Carried 7-0

Meeting Adjourned

The next meeting will be held Wednesday, July 25, 2012 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe
Planning Clerk