

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES**

January 23, 2013

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 – absent, Jennifer Koval – present, Joseph Lewandowski – present, Brandon Myers – present, Alternate George Olsen – present.

Due to the absence of Board Member Robert McConnell, Chairman Ian Murray elevated Alternate George Olsen to full voting status.

Also attending: Town Engineer Ken Martin, Dean Long, Michael Cusack, David Weisenreder, Sara Colman, Kathy Pomponio, Mr. & Mrs. Washco, Mr. & Mrs. Austin, 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 Joseph Lewandowski to accept the meeting minutes of December 19, 2012. Chairman Ian Murray – aye, Laurie Griffen – abstained due to absence at Dec. meeting, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – absent, Joseph Lewandowski – aye, Brandon Myers – aye, George Olsen – aye. **Carried 6 – 0**

Approved

Sketch Plan for Minor Subdivision

Nicholas & Susan Washco #13-01

356 Clinton St.

Saratoga Springs, NY 12866

S/B/L 169.-1-77.12 Rural

Location: Walsh Rd.

Applicant seeks to subdivide a 12.40+- acre parcel into two lots.

Mr. Washco appeared before the Board stating he'd like to subdivide his 12+- acre parcel into two lots. The two lots meet town regulations for frontage and lot size and he explained that in 2007 he had been before the Board with a previous subdivision. At that time he had Paul Male site in the future location of the house and driveway on the lot he wants to build on, once this is subdivided. He also had an engineered septic system designed for that location.

Chairman Ian Murray questioned the sight distances of the future driveway locations and the Applicant stated he knows he has to go by state standards for sight distance for the driveway. He explained when he initially divided the 12+- acres from his other lands in 2007, they sited in the house, completed the perc test, designed a septic system and sited in the proposed roadway on the portion of the 12+- acre parcel that he plans to build on of this proposed subdivision. He needs to complete engineering work on the other side, which will be the second lot of this subdivision. He believes the driveway for that lot will run down along the boundary line.

Chairman Ian Murray added the Applicant needs to meet Town traffic standard for sight distances for safety reasons as well as sight distances for NYS DOT. On the paperwork the Applicant submitted, it shows Paul Male performed the perc test there, but currently it doesn't meet our regulations so it will have to be a designed septic system there also.

Town Engineer Ken Martin questioned if the lot for the future home had a designed system already. The Applicant responded yes, Paul Male had told him he couldn't subdivide this parcel without first having proved he could put a septic system in there, so they designed it at that time. Chairman Ian Murray said Paul Male would have to do the same thing on the second lot. He also said the Applicant needs to watch his well and septic separation distances; he needs to be 200' away due to the down slope and ideally the Board would like to have it located where it's already been sited on the map.

Chairman Ian Murray asked if there were any Board questions; there were none. He then stated we can advertise for a public hearing when the Applicant wants to move forward.

The Applicant thanked the Board.

Returning

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 Wagman's Ridge Rd.**

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

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

Michael Cusack appeared before the Board stating he was prepared, along with his team, to answer any questions the Board may have.

Chairman Ian Murray stated that the Board received a letter today, via fax, from Pat and Joe Peck concerning going to Alternate Site 1. Chairman Ian Murray asked if Michael Cusack also received a letter from Pat and Joe Peck today and was told yes. He then asked what Michael Cusack's thoughts were concerning the suggestion of moving to Alternate Site 1.

Michael Cusack responded that he feels there has been a full and comprehensive process done in evaluating alternative sites with the on-site meeting of the Board, as well as the public attendance, the Board reviews and the public hearings. He stated during the course of those events, with repeated requests for input from the neighbors that if the project were to continue forward, where would they prefer to see it go, overwhelmingly the response Verizon received was 'put it somewhere else in the town'. From those meetings they did come to alternative sites and they evaluated Alternate Sites 1, 2 (down by the barns) & most recently, 3. These sites were evaluated from a visual standpoint with balloon floats, follow-up meetings and SEQR workshops. Consensus of the last SEQR workshop was that Alternate Site 3 had some better qualities to it than Alternate Site 1. In good faith, Verizon went forward and did the work on that site, again secured the Peck's approval for that alternate site, and presented a fairly comprehensive application for that site. In contrast to that, they now have the neighbor's request

to look at Alternate Site 1. Since the Board held a SEQR workshop last week, he feels this request is too late; the Board agreed to a timetable that expires at this meeting tonight and while Verizon is not seeking to penalize anyone, it is, in fact, too late to request a look at another location.

Most importantly, Verizon Wireless feels that after careful analysis, the environmental impacts and asserted benefits of Alternate Site 1 have been overstated by the neighbors. The reason he states that is because it has been asserted, repeatedly, to the Peck's by some of their neighbors that 'the structure would be shorter' at Alternate Site 1 and in fact, that is not true. When doing the math and looking at the elevation differences, in terms of actual overall height, it turns out that Alternate Site 3 is 5' shorter on the horizon than the Alternate Site 1 structure would be. Alternate Site 1 is at an elevation of 413' and going downhill to Alternate Site 3, you drop to an elevation of approximately 398' (some areas at this location are 397' and 399'. 398' goes right through the center of the silo location, so they're using that as their base number); the difference is 15'. So you are dropping down 15' in elevation. In contrast, Rick Andras, the Radio Frequency (RF) Engineer for Verizon Wireless, is only requiring an increase height of 10', so you net out a 15' decrease, a 10' increase (the size of the antennae structure whether it's a silo or monopole) which leaves you with a structure that will be 5' lower on the horizon at Alternate Site 3 than at Alternate Site 1 location. Screening is natural at Alternate Site 3 with the berming effect of the land and the natural vegetation. Due to that, the ground equipment will be 10' to 15' behind that land and vegetation which will help mitigate any noise.

Neighbors have raised questions on what type of equipment will be used. An HVAC unit and a generator will be on site; the generator will run if there is a power outage just like anyone's generator would, and the noise from that generator is comparable to other generators used for homes. The generator runs a self-test, mid-day for 30-60 minutes once a week during the day. Michael Cusack stated he thinks the land owners, the Peck's, are trying to cooperate with their neighbors, but ultimately the decision is Verizon's and Verizon would like to keep it at Alternate Site 3. Alternate Site 1 is out in the open more and doesn't offer the benefits of Alternate Site 3. Michael Cusack said they appreciate the concern over the location, but they feel it's been a fair and comprehensive review and that environmentally Alternate Site 3 is the better location. There have been a lot of questions and they've answered a lot of questions as thoroughly as possible and they believe their reasons are legitimate and environmentally Alternate Site 3 is the best location. He then thanked the Board.

Chairman Ian Murray asked if there were any Board questions.

Laurie Griffen stated she doesn't disagree with what Mr. Cusack has said; she agrees that environmentally, Alternate Site 3 is best. She asked what the downside is of going with Alternate Site 1; couldn't Verizon build a berm similar to what occurs naturally at that site and plant vegetation? It's closer to the roadway, there would be less infrastructure; the actual building structure will be less for Verizon and the other two parties are agreeable for this site. She believes that either location should have the silo and farm like appearance.

Michael Cusack responded the potential downside is you could inadvertently pit neighbor against neighbor; the group represented by counsel and the others who aren't with them. He feels if they move the location to a more open area, it requires more engineering and more litigation and things of that nature. He also feels they would be exposing themselves to litigation and that the constituency is very capable of making those claims and of filing and pursuing those claims for whatever decision is made here tonight. It's been made very clear to him at the public hearings and meetings. Verizon's trying to balance everything out and after

going through the lengthy process, they've done the extension of the shot clock, they've made the investments, they've completed the engineering. The work is now done and the overwhelming question Michael Cusack has is where these residents were, with their input, over the months of this application? After two public hearings and numerous meetings Michael Cusack thinks the Board is within its right to go with Alternate Site 3 as its choice. It is really too late to be talking about another change. A substantial amount of money, time and work have gone into this project. They've made a substantial investment in camouflaging the facility and he doesn't think any of the issues or objections that were raised would be lessened by going to Alternate Site 1.

Chairman Ian Murray stated there are no further questions in regards to that of the Board. He stated there are a few things to figure out for Alternate Site 3 and asked the Board if they prefer to have the antennae screened in a silo or a monopole:

Jennifer Koval – silo

Patrick Hanehan – silo

Brandon Myers – monopole since it would be less conspicuous.

Laurie Griffen – silo

Chairman Ian Murray – echos Brandon, but will go with the silo for the viewshed.

Joseph Lewandowski – silo

George Olsen – monopole, but given the farm setting, will go with the silo.

Consensus of the Board: 6 – 1 for the Silo

Chairman Ian Murray asked the Board if they prefer a barn style structure or concrete structure with aggregate for the equipment storage:

Patrick Hanehan – barn style

Jennifer Koval – barn style

Brandon Myers – if going with the silo, the barn style

Laurie Griffen – barn style

Chairman Ian Murray – aggregate style in earth tones

Joseph Lewandowski – barn style

George Olsen – barn style

Consensus of the Board: 6 – 1 for the Barn Style Structure

Chairman Ian Murray asked the Board what type of fencing they prefer:

Patrick Hanehan – chain link, no barb wire, color to be chosen by Board

Jennifer Koval – chain link, no barb wire, color to be chosen by Board

Brandon Myers – chain link, no barb wire, black

Laurie Griffen – chain link, no barb wire, color to be chosen by Board

Chairman Ian Murray – chain link, no barb wire, color to be chosen by Board

Joseph Lewandowski – chain link, no barb wire, color to be chosen by Board

George Olsen – chain link, no barb wire, color to be chosen by Board.

Consensus of the Board: 7 – 0 for a 6' Chain Link Fence with no barb wire.

Consensus of the Board: 6 - 1 for Board choice of color; the Board defers to Town

Engineer Ken Martin and George Olsen on the choice of earth tone color for the fencing.

Chairman Ian Murray asked if the Board feels the need for Landscape Screening:

Chairman Ian Murray – There's an existing earth berm – no screening needed.

Patrick Hanehan – no screening needed

Jennifer Koval – no screening needed

Brandon Myers – no screening needed

Laurie Griffen – no screening needed

Joseph Lewandowski – no screening needed

George Olsen – no screening needed

Consensus of the Board: 7 – 0 for No Screening Needed

Color for Equipment Building (12'x30'x14'):

Patrick Hanehan – earth tones

Jennifer Koval – uncertain just now

Brandon Myers – brown siding with earth tone roof

Laurie Griffen – earth tones

Chairman Ian Murray – earth tones

Joseph Lewandowski – grayish earth tone; weathered look

George Olsen – weathered gray look

Consensus of the Board: 6 – 1 for Weathered Earth Tones

Chairman Ian Murray stated the Board will defer to Town Engineer Ken Martin and George Olsen on the earth tone colors and materials for the building.

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

Jennifer Koval stated, in defense of the last minute letter received today, she believes since the Board chose Alternate Site 2 the residents weren't thinking of any other locations aside from that site. Then the Peck's refused that location, which made the Wagman's Ridge Neighbors go back to the drawing board as far as what the other choices would be. She'd like Verizon to look more at Alternate Site 1 which the neighbors prefer. She believes that is why their choice for Alternate Site 1 came so late; they thought this tower would be near the barns at Alternate Site 2.

Chairman Ian Murray stated the Board has fulfilled their Public Hearing requirements for this Special Use Permit in October 2012 and November 2012, they've conducted their SEQR workshops, the last one on January 16, 2013 and they've come to a conclusion.

Chairman Ian Murray made a motion, seconded by Brandon Myers to declare that SEQR review is complete and to make a Negative Declaration on this application. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – absent, Joseph Lewandowski – aye, Brandon Myers – aye, George Olsen – aye.
Carried 7 – 0

Chairman Ian Murray noted that SEQR will be in the file with the Board's SEQR Part III attached for review.

Chairman Ian Murray made a motion, seconded by Patrick Hanehan, to approve the Special Use Permit for a Telecommunication Tower at Alternative Site 3 with the following resolution:

**RESOLUTION FOR APPROVAL OF APPLICATION BY CELLCO PARTNERSHIP
FOR 178 WAGMAN'S RIDGE ROAD FOR ALTERNATIVE SITE 3 NEAR THE
HULKA PROPERTY**

Resolution to Approve a Special Use Permit (telecommunication 400-13), for a 100 foot stealth agricultural silo, to contain and conceal from view a wireless communication tower structure at 178 Wagman's Ridge Road described in application materials submitted by Cellco Partnership d/b/a Verizon Wireless (Cellco):

Whereas, Cellco submitted an application for a wireless communication structure at 178 Wagman's Ridge Road on April 5, 2012, and

Whereas, the administrative record of submittals by Cellco and comments by the community at large are found in Appendix 1, "Cellco Submittals", Appendix 2, "Public Comment", and

Whereas, the Planning Board became the lead agency on November 28, 2012, for review of the State Environmental Quality Review Act (SEQRA), and

Whereas, the Planning Board met and discussed the project on May 23, 2012, June 27, 2012, September 26, 2012, October 10, 2012, November 28, 2012, December 19, 2012, January 16, 2013 and January 23, 2013, and

Whereas, the Planning Board became Lead Agency on November 28, 2012, for review of the State Environmental Quality Review Act (SEQRA), and

Whereas, the Planning Board has met on two occasions to review the Full Environmental Assessment Form and supporting documentation and directed the preparation of a Negative Declaration, and

Whereas, the Planning Board approved a Negative Declaration on January 23, 2013, by 7 votes in favor and 0 votes opposed, and

Whereas, issuing a Negative Declaration closes the SEQRA process, and

Whereas, the Planning Board has completed the review of the proposed Cellco Partnership project in accordance with Chapter 400, Town of Saratoga Zoning Law and Section 400-13 Telecommunication Towers, and

Whereas, Cellco has produced site plans identified as Burgoyne II CA100, 110, 111, 130, 131, 500 and 501 dated December 19, 2012, prepared by a licensed civil engineer that show the location and details of proposed Alternative Site 3, and

Whereas, the Planning Board, as a part of the SEQRA review, determined that the most visually compatible structure for a wireless communication tower at 178 Wagman's Ridge Road is a 100

foot agricultural silo at Alternative Site 3 location, and

Whereas, the Applicant has submitted an application on April 5, 2012, and updated that application with additional materials identified in Appendix 1, and

Whereas, property at 178 Wagman's Ridge Road is within a Rural Zoning District in which telecommunication towers or facilities are subject to supplemental regulations (400-13(B)(3)), and

Whereas, the Applicant has submitted an evaluation for the need of aviation warning lights and a Federal Aviation Regulation (FAR) Part 77 in the April 15, 2012 (Tab 8) submittal that shows that a tower at an elevation below 613 AMSL (above mean sea level) will not require lighting, and

Whereas, Alternative Site 3 will provide greater setbacks to two of the three nearby homes than Alternative Site 2; the setback to one home will be 57 feet shorter at Alternative Site 3 than at Alternative Site 2, and

Whereas, Alternative Site 3 is adjacent to the farm road and will disturb less agricultural soil than Alternative Site 1, and

Whereas, the Applicant has committed to shared use of the site as conditioned by the Planning Board (April 5, 2012, Statement of Intent), and

Whereas, a Full Environmental Assessment Form and Supplemental Visual Analysis Form along with supporting documentation have been submitted and considered by the Planning Board (§400-13C(1)9e)), and

Whereas, a Federal Communication Commission (FCC) license has been provided (April 5, 2012 Tab 5), and

Whereas, a review of other tall structures was completed along with an evaluation of the operational characteristics of the Verizon Network in the Town of Saratoga (April 5, 2012, and August 1, 2012, submittal), and

Whereas, the proposed new tower meets the criteria of 400-13(D, E and F) based on the above analysis that shows that this site will provide improved service to the Town of Saratoga, service will be improved with a shorter tower at this site than the existing 195 foot tower on Hayes Road, and

Whereas, the 178 Wagman's Ridge Road site will not be visible from the Saratoga National Battlefield, Saratoga Monument or the Gerald B.H. Solomon National Veterans Cemetery (January 8, 2013, Young/Sommer, LLC and Costich Engineering, November 20, 2012), and

Whereas, the required setbacks can be met at the proposed Alternative Site 3 location (§400-13(I), and

Whereas, detailed visual analysis has been completed and the most appropriate mitigation is to conceal the tower within an agricultural silo at the proposed Alternative Site 3, and

Whereas, the agricultural silo to be used for concealment of the tower may not be used for any kind of advertising or signage (400-13(k)(g)), and

Whereas, the Saratoga County Planning Board (12-12450) reviewed the application under its authority under General Municipal Law Section 239 and determined no significant county-wide or intercommunity impact (September 20, 2012, Saratoga County Planning Board Minutes), and

Whereas, there are no known rare, threatened or endangered species at this location, (April 5, 2012, Tab 1; and November 9, 2012, NYSDEC Natural Heritage Program letter), and no wetlands are located in the vicinity of the selected site (April 5, 2012 Tab 1), and

Whereas, a “no effect determination” by both the NYS Office of Parks, Recreation and Historic Preservation and the National Park Service was issued (June 22, 2012 letter, United States Department of the Interior, August 7, 2012, Appendix C), and

Whereas, as public comment on the project was received on October 25, 2012 and November 28, 2012, and

Whereas, the potential impacts to property value are an economic impact related to profitability or speculative loss is not an environmental impact (Young/Sommer, LLC letter dated December 11, 2012, Item 4), and therefore

Be It Resolved, subject to the following conditions, “Location 3 Silo Zoning” drawing dated December 19, 2012, by Costich Engineering;

Condition 1 – The telecommunication equipment shelter may be either a standard flat roof, low profile structure or a gabled roof structure similar to a garage. The colors of the roof and walls are to be neutrals/earth tones.

Condition 2 – The wireless tower will be concealed within an agricultural silo and a maintenance plan for the silo will be included in the submittal to the Town Engineer. Maintenance will include periodic painting.

Condition 3 – The heating, cooling and generator exhaust will be on the east or north end of the building.

Condition 4 – The lot or lease area is not required to meet conditions of Section 400-8.3A and may not be used for a private dwelling.

Condition 5 – Construction of underground public utilities may proceed in accordance with Section 400-8.5.

Voting in favor of the Resolution, to Approve a Telecommunication Structure on the proposed Alternative Site 3 on 178 Wagman’s Ridge Road:

Board Member	In Favor	Opposed
Ian Murray	Yea	
Laurie Griffen	recused herself	
Patrick Hanehan	Yea	
Robert McConnell	absent	
Jennifer Koval	Yea	

Joseph Lewandowski	Yea
Brandon Myers	Yea
George Olsen	Yea

Vote: 6 – 0 Approved

**PASSED AND ADOPTED BY THE PLANNING BOARD OF THE TOWN OF SARATOGA
on the 23rd day of January, 2013.**

**RESOLUTION FOR NEGATIVE DECLARATION FOR CELLCO PARTNERSHIP DBA
VERIZON WIRELESS FOR A 100 FOOT WIRELESS COMMUNICATION
STRUCTURE AT 178 WAGMAN'S RIDGE ROAD AT A SITE KNOWN AS
ALTERNATIVE SITE 3**

This Resolution is supported by Part 2 and Part 3 of the Full Environmental Assessment Form (FEAF) prepared by the Town of Saratoga Planning Board. These documents were reviewed in detail at two workshop meetings on November 20, 2012, and January 12, 2013.

The project administrative record is attached to Part 2 of the FEAF.

Review of Part 2 resulted in further consideration of five topics, and that deliberation is contained in Part 3.

Whereas, the Town of Saratoga Planning Board (Planning Board) received an application on April 5, 2012 for a wireless communication tower at 178 Wagman's Ridge Road, and

Whereas, no potentially involved agencies objected to the Planning Board becoming Lead Agency in May 2012, and

Whereas, the Planning Board became the lead agency for SEQRA review of this project following circulation of lead agency coordination letter on November 28, 2012, by Planning Board resolution, and

Whereas, the Planning Board has carefully considered the site condition as described in Part 1 and evaluated in Part 2 and Part 3 of the FEAF,

Whereas, the Planning Board completed a workshop site inspection at the 178 Wagman's Ridge property on October 10, 2012, and

Whereas, the Planning Board has evaluated and considered four alternative locations on the project site for a wireless communication structure, and

Whereas, the Applicant has advanced an application for Alternative Site 3, near the Hulka property, and the Applicant has a lease for this location, and

Whereas, the Planning Board has determined that the most compatible tower type for this site is a communication facility (see Part 3 of the FEAF) concealed as a silo,

Whereas, the Planning Board has determined that the most compatible structure to contain support communication equipment is a low profile structure, and all heating, ventilation and air conditioning equipment is to be placed on the northeast side of the structure, and therefore

Be It Resolved, based on the record and Planning Board Members' personal knowledge of the site and community, a Negative Declaration in accordance with 6NYCRR 617 is appropriate for this proposed project.

Board Member	In Favor	Opposed
Ian Murray	yea	
Laurie Griffen	yea	
Patrick Hanehan	yea	
Robert McConnell	absent	
Jennifer Koval	yea	
Joseph Lewandowski	yea	
Brandon Myers	yea	
George Olsen	yea	

Vote: 7 – 0 in Favor of a Negative Declaration

PART 3 – EVALUATION OF THE IMPORTANCE OF IMPACTS

The review and evaluation of Part 2 of the SEQRA form was completed on November 20, 2012, January 16, 2013, and scheduled Planning Board meetings on December 19, 2012 and January 23, 2013. The proposal is shown on plan sheets dated December 18, 2012, and materials identified in Appendix 1.

Four topic areas have the potential for impacts that may require additional mitigative measures or the anticipated construction or operational practices need to be in place to avoid significant impacts.

Impacts on Land Resources

There is the potential for small to moderate impacts on land use due to grading on 15% slopes or shallow depth to bedrock or shallow depth to perched groundwater. These potential impacts are short-term and will occur only during construction. Standard sediment and erosion control practices will adequately manage soil erosion on the proposed development site. Site grading will involve 0.5 acres of land and much of that is along the existing farm road. No long-term impacts to land were identified.

The selected site, Alternative 3, is flat and will only require normal sediment perimeter controls to avoid and/or control runoff, including rapid stabilization, construction, and site preparation of a truck entrance from Wagman's Ridge Road and daily cleaning of the roads.

Impacts on Agricultural Land Resources

The selected site Alternative 3 near the active farm road will disturb the least amount of active agricultural field area and may minimize the need for field decompaction. If and when the tower is not needed, it will be removed in accordance with the Town of Saratoga Telecommunication Tower Statutes in Section 400-13(2).

Impact on Aesthetic Resources

Alternative 3 will be constructed as an agricultural silo to camouflage or conceal the proposed tower and antennas. The structure will be 100 feet tall including the decorative dome and will have a diameter of 32 feet. An agricultural silo is a common tall structure in the area that will blend with the agricultural setting at this farm site. The silo is to be constructed of a durable material, either concrete or metal, and will be maintained by Cellco. Maintenance of the exterior surface and finish to preserve a uniform color on the silo's surface is required.

Use of a silo will hide the telecommunication equipment from view. The silo will be tall in relation to the other building on the site; however, large silos are a common component of the rural environment. Some of the apparent heights of the silo will be diminished due to the amount of change in topography that naturally occurs in this area of rolling hills. The lower 10-13 feet of the silo will be screened by slope to the west of project site. The upper portion of the silo will have the back drop of trees and vegetation to prevent the silo from being silhouetted against the clear sky.

The equipment building is to be as low as possible and landscaping along the north side facing Wagman's Ridge Road will be installed.

Impact on Health

The Applicant has submitted a site specific evaluation of emissions of electromagnetic fields for this tower. That study demonstrates that the tower will comply with all applicable standards of the Federal Communication Commission.

Impact on Growth and Character of Community or Neighborhood

Telecommunication towers are an allowed use with special permits in the rural districts of the Town of Saratoga. The Hayes Road Landfill tower is approximately 190 feet tall. The Alternative 3 proposed tower at Wagman's Ridge Road is much shorter at a height of 100 feet above grade. The Hayes Road site will not produce the same coverage that can be obtained from a shorter tower at Wagman's Ridge Road (April 5, 2012, Statement of Intent and Application for Special Permit, August 1, 2012. Rick Andrus, RF Engineer-Verizon Wireless, Proposed Burgoyne II Facility at 178 Wagman's Ridge Road, Peck Farm). The August 1, 2012 submittal includes data from drive tests that confirms the model analysis.

The new information includes improvements in service in the Town of Saratoga (see Page 2 of 19, August 1, 2012), as well as again stating that demands for wireless coverage are changing due to the evolution of more complex data communication becoming the norm (see Page 3 of 19 and 5 of 19, August 1, 2012).

The Applicant has completed a drive test to confirm the computed model analysis submitted in the original application. The drive test clearly shows the patchwork of signals that is currently serving the area (See Submittal Attachment S-2). Review of the drive test signal reception demonstrates that three or more towers are providing signals along road segments in the Town of Saratoga. Attachment S-2 shows the origins of signals, however, signals are inadequate to support wireless coverage (Page 6 of 19, 4th paragraph, August 1, 2012).

The drive test clarifies the need for wireless signal improvements. A series of line-of-sight cross sections is included in the application, which clearly shows that hills along Walsh Road, at an elevation of 430-440 feet, blocks the signal from the Hayes Road Independent Tower from serving areas east of Walsh Road (see CE-511). Other hilltops along Burke Road east of Wagman's Ridge Road also block signals from serving this area, along with Route 29 into Saratoga Springs (CE 512).

The Wagman's Ridge Road tower site will provide signal coverage to 20.7 miles of roads while the Independent tower site on Hayes Road using the 195 foot antenna position covers 3.4 miles (August 1, 2012, submittal page 9 of 19).

Overall, the added factual materials demonstrate that the Wagman's Ridge Road site has distinct advantages for serving the west side of the Town of Saratoga and NY Route 29.

In the purpose statement of the Town Zoning Ordinance, it states "to minimize the total number of telecommunication towers in the community by encouraging shared use of existing and future towers and to minimize adverse visual effects from telecommunication by requiring careful siting visual impact assessment and appropriate landscaping."

Based on the purpose statement, the Zoning Law encourages shared use rather than mandates shared use, and an applicant is required to show that a site is impractical for technical or financial reasons. Information provided by the Applicant shows that the Hayes Road Site is impractical due to limited coverage that will be provided on the west side of the town.

Adding a new shorter tower with greater potential to serve the community, therefore, meets the intent of the local law. The practical difficulty of the Hayes Road site is its limited ability to provide connection to regional users and the Town of Saratoga. This tower may co-locate additional wireless communication facilities in accordance with local law.

Information

William Barton is looking for information on how to correct an illegal subdivision.

Chairman Ian Murray explained that Mr. Barton appeared just prior to the beginning of this meeting and he and Town Engineer Ken Martin explained to Mr. Barton the steps he needs to take for a legal subdivision. He said Mr. Barton purchased 10 acres on fish creek from Mr. Clute. The problem is, there is no frontage and they filed their 'subdivision' with the county, who in turn came back to the Town of Saratoga stating someone tried to file an illegal subdivision. That was in August 2012 and since that time the Town's attorney has been trying to get them to correct this. Mr. Barton will be returning to Mr. Clute to

see if he can purchase more land including the frontage required to make this work.

Returning

Old Business: None

New Business: None

Chairman Ian Murray made a motion, seconded by Brandon Myers to adjourn the meeting at 9:03 p.m. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – absent, Joseph Lewandowski - aye, Brandon Myers – aye, George Olsen – aye. **Carried 7 – 0**

Meeting Adjourned

The next regular meeting will be held Wednesday, February 27, 2013 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe

Planning Clerk