

**TOWN OF SARATOGA
PLANNING BOARD MINUTES
May 27, 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 – absent, Robert McConnell – present, Jennifer Koval – absent, and Alternate Joseph Lewandowski – absent.

Also attending: Town Engineer Ken Martin, Sam Palazzole, Michael Brooks, Mr. & Mrs. Dennis Brida, Mr. & Mrs. Todd Yellen, Jim Vianna, Dan Schweigard, Dave Brennan, 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 April 27, 2009 meeting as written Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – abstained due to being absent from April's meeting, Patrick Hanehan – absent, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – absent, Alt. Joseph Lewandowski - absent. **Carried 4-0**
Approved

Sketch Plan Conference for a Re-Subdivision

**Saratoga Builders, LLC #09-04
8 Champion Ln.
Saratoga Springs, NY 12866
S/B/L 168.7-1-2, 3, 4, 5, 6 Rural**

**Location: Burgoyne Estates
Anthony Lane
Saratoga Springs, NY 12866**

Applicant would like to re-subdivide the Burgoyne Estates subdivision, located on Anthony Lane.

Returning Applicant Sam Palazzole of Saratoga Builders LLC, and Michael Brooks of Paul Tommell & Associates, appeared before the Board. He reviewed the history of the original Burgoyne Estates subdivision and is requesting a re-subdivision for seven lots out of five of the original 12, turning this into a 14 lot subdivision, stating it was for upscale housing and in today's economy he is having marketing problems and is before the Board asking for relief. He stated the septic and wells will be as before, and Michael Brooks, landscape architect of Tommell & Associates, stated the two additional lots stormwater won't have any impact on what is there or on the road. The Applicant added since they don't meet zoning regulations, he is looking for help and a recommendation from this Board.

Chairman Ian Murray stated the Applicant has reduced those five lots by 50' per lot, so the frontage isn't there on any of those lots. The Applicant responded he reduced those lots to 150' in order to fit two more lots in there. Paul Griffen stated the Applicant can build smaller houses at a lower cost. The rest of the community has to have 200' frontage so why should it be different for this applicant; this looks like he's looking for two more lots for a profit. The Applicant explained his marketing problem; no one is buying \$800,000 homes now, things were different three years ago. If he is granted this re-subdivision, he can reduce his cost of each lot by \$30,000. This would permit him to build affordable homes; he could then put in homes under \$600,000 there. Paul Griffen stated he understands the economics of today and that the Applicant is having problems and allowing this would be more profitable for the Applicant; but

we do have a zoning law which states in the rural district the minimum frontage is 200'. The Applicant said times change, situations are different; there are no buyers for this development. Chairman Ian Murray stated this is a zoning issue. This Board will deny it tonight and then the Applicant will have to go before the Zoning Board of Appeals.

Laurie Griffin made a motion, seconded by Robert McConnell to deny this application and send it to ZBA. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – absent, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – absent, Alt. Joseph Lewandowski - absent. **Carried 5-0**
Denied

Sketch Plan Conference for Minor Subdivision

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

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.

Applicants Todd and Diane Yellen appeared before the Board. Chairman Ian Murray stated the Applicants meet zoning regulations with area and frontage so there is no problem with that. They need to do soil engineering, find out where the septic and well are with their existing home and make sure they get their separation distances. He questioned where the existing well and septic on the existing home are located. The Applicant responded the septic is directly in front and the well is well off to the left of the back, well over 100'. Chairman Ian Murray then stated depending on how the new lot lays out, the topography drops off a bit there and if that well is downhill the Applicant must remember they have to double their separation distances so they'd have to go to 200'. They also have the proximity of the existing system to take into effect. The Applicant responded okay. Chairman Ian Murray stated he has had conversations with the Applicants and knows some of the Applicants questions, due to being neighbors. He then noted the Applicants had thought about moving the house a bit forward and asked if that is still something they are considering. The Applicant responded yes, they'd like to go to 60' instead of the required 75' if possible, due to the ravine. Chairman Ian Murray responded that the Board can take that up at the next meeting and make a recommendation for the ZBA for that variance. Aside from that, they meet all regulations. Chairman Ian Murray added there are a few more steps the Applicants need to take; complete application with SEQ, survey completed, mapping out the site with building placement etc., soil engineering and perc along with the septic design. The Board can schedule a Public Hearing for next month as long as the Applicant can complete all necessary steps. The Applicant thanked the Board.

Returning

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

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 that the corporation owns 74.72+/- acres on the east and west side of Rt. 32 at the intersection of Rt. 68. They would like to subdivide 10 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. This has not yet been surveyed. They wish to offer the 10 acre lot for sale. Robert Park questioned if the road frontage would be off of Rt. 32 and Jim Vianna responded it would be off Rt.32. Chairman Ian Murray noted that they can't cross that ravine and Jim Vianna responded correct, adding that the Applicant doesn't like that piece therefore wanting to subdivide it from the horse farm. They have no plans to build on it at this time, just wanting to sell it. Chairman Ian Murray stated it meets all the requirements and if they're offering it for sale they may as well get the surveying done, as well as the soil engineering. Complete the application and once completed we can have a Public Hearing next month. Jim Vianna thanked the Board.

Returning

Public Hearings

**Dennis J. Brida # 09-05
2160 Rowley Rd.
Ballston Spa, NY 12020
S/B/L 156-1-10 Rural Residential**

**Location: 1023 Rt. 29
Schuylerville, NY 12871**

Returning Applicant seeks a Special Use Permit to convert the vacant Roadhouse 29 supper club, located on Rte. 29, into a delicatessen.

The Applicant appeared before the Board, handed in his neighbor notifications and addressed issues that were brought up at the April meeting. Since April they have had to do major structural changes to this building. When they gutted the building they found it had no insulation and that the ceiling was substandard. They have had to replace the floors, roof, ceiling, windows and doors, as well as the exit signs. A new burglar system and a new heating system have been installed. A new air conditioning system is needed. He is hopeful of opening in mid June. The lighting on the old structure had two sensor lights on the outside and they have replaced those with new sensor lights of a different design. They have added lighting under the cupola at the entranceway, and have installed overhead lighting inside the building. The sign outside will be lit from beneath, but will be in the exact place as the old sign. It will have a definite different appearance and he thinks the Board will approve of it. All new equipment and new systems are being installed. He has been working with the NYS Department of Transportation (NYS DOT); which he has been talking to Chairman Ian Murray about, trying to address the ingress/egress and hopefully they'll be having a substantial meeting shortly. The Applicant stated he will comply with whatever is needed to keep this moving forward.

Chairman Ian Murray stated the traffic pattern was an issue, but knows that negotiations are ongoing with NYS DOT. Chairman Ian Murray has informed Town Engineer Ken Martin concerning the ongoing discussions with the attorneys and NYS DOT and would also like to keep this moving forward. He and Town Engineer Ken Martin have come up with a temporary solution in order to continue; there will be a timetable on the issue as to the resolution of the ingress/egress and they would like the Applicant to temporarily place orange construction barrels across that open area and tie them together to create ingress/egress in order to develop a traffic pattern. The Applicant is happy to do so and will not open until they have the temporary solution in place. He also invited Chairman Ian Murray and Town Engineer Ken Martin to join

him at the meeting with NYS DOT. Chairman Ian Murray stated he certainly would like Town Engineer Ken Martin to attend that meeting. He then questioned the Applicant concerning the sign, making certain that the Applicant knows to contact Building Inspector/Zoning Officer Gil Albert who knows the town code on signage. A discussion continued on lighting of the sign; Town Engineer Ken Martin stated he would like to see it lit from above along with the lighting from beneath.

Chairman Ian Murray then questioned the fencing, stating that the Applicant's attorney told the Board at the April meeting that the privacy fence will come down and a picket or post and rail fence will go in, which would be more aesthetically pleasing to the Board for that area.

The Applicant responded that for now they would like to keep the current fence, but add/build in an archway and put in a garden with picnic tables for outside seating. He stated the privacy fence creates a complete stopping point and due to the septic system he needs that barrier there, but is willing to do whatever makes most sense for all.

Robert McConnell questioned the hours of operation and the Applicant responded that they would like to be open from 6 or 7 a.m. to 6 p.m., and would prefer being open 6 days a week.

Proof of Notice having been furnished by newspaper on May 16, 2009, Chairman Ian Murray opened the Public Hearing at 8:00 p.m., asking those wishing to speak to please stand and state their name and address.

William Corrigan, 207 Walsh Rd. questioned if the deli needed to pass public health inspection. The Applicant responded yes, along with many other inspections.

Chairman Ian Murray asked if there were any other questions, seeing none **Chairman Ian Murray closed the Public Hearing at 8:02 p.m.**

Chairman Ian Murray read the letter from the Saratoga County Planning Board indicating no significant County wide or intercommunity impact; decision approved with comment:

'The Applicant should contact NYS DOT on West Ave. regarding the existing drive onto Rt. 29 due to change in use. The Town may want to consider having the Applicant place some traffic control measures such as a median or planting strip to control the traffic movement on site delineating an entrance and exit to the parking area. The current ingress/egress is uncontrolled, potentially creating a safety issue with customers entering and exiting the parking area.'

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 – absent, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – absent, Alt. Joseph Lewandowski - absent. **Carried 5-0**

Chairman Ian Murray made a motion, seconded by Robert Park to approve this Special Use Permit application as proposed, on condition of the ingress/egress traffic control completed, approved by NYS DOT and Town Engineer Ken Martin by August 2009, with the Applicant putting in the temporary control measures for ingress/egress until this is completed. This will be an annual renewable permit for the first year. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – absent, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – absent, Alt. Joseph Lewandowski - absent. **Carried 5-0**
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.

Dan Schweigard, of Infinigy Engineering, and Dave Everett, Attorney, appeared before the Board on behalf of the Applicant. Dan Schweigard recapped the history of this application and stated he is here to answer questions from the Board and the public. He reiterated they submitted an application for a 150' monopole telecommunications tower with accommodation for co-location of four additional carriers, located on the Town of Saratoga Land Fill on Hayes Rd. It doesn't require any clearing to accommodate the 60' x 80' compound around the tower; they will be using the existing access there, 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. There are no problems with lot size, setbacks, and no residences or structures within 450' of the proposed structure. They have completed site plan requirements that are set forth for telecommunications towers and that information has been provided and translated into the detailed site plans, visual analysis, long form SEQR along with additional analysis, and a completed Ag Data statement, compliant with the Town zoning codes. They feel this project has a number of substantial advantages that would provide valuable services to the community through this communications facility; it re-uses the town dump as a facility location that is out of sight; it is separated from adjacent properties by a considerable distance; it has extremely limited visibility from adjacent properties, and it will be designed for co-location availability for current and future carriers, in fact, they have received a letter of interest from the Saratoga County Emergency Services Dept. They will be using the existing access road and erect on a previously cleared location so they will not be clearing any vegetation. There is ample space for additional carriers in the future. Chairman Ian Murray stated they all saw the balloon float and have also received the additional information. He then asked if there were any questions from the Board. Paul Griffin questioned if, after their studies, does this measure up to what Independent Towers wanted and Dan Schweigard responded absolutely. He added there are no historical structures that will be impacted by this project and it will accomplish what they're proposing, which is to accommodate any proposed current users and considerable space for any future users as well, including the county who have reserved space between 100'-120' on the tower, which leaves the top 30' available for other co-locaters. Chairman Ian Murray stated he had been told that the county had expressed interest and he questioned if they have committed to that. Dan Schweigard responded that the county wanted to reserve the space indefinitely. The county is working on Phase I of their current build-out with emergency services, which means they are in the process of securing several locations for their equipment. Once they have finished with Phase I they will determine whether they want to install equipment on this site, but they have asked to reserve the space indefinitely, and have agreed on the 100'-120' elevations on the tower leaving the upper 30' for new standard wireless carriers. Laurie Griffin questioned how many other carriers and Dan Schweigard answered the county plus three immediate-need additional carriers at ten feet intervals. If need be, they can bump the county down ten feet to accommodate yet an additional carrier. Laurie Griffin then asked if this tower can be added onto and Dan Schweigard responded it can be if needed, but that would have to be determined prior to constructing it because the foundation would have to be designed and the tower itself to be extendable. They did do some preliminary analysis at this site for a 180' facility, but due to the

sensitive nature of the area decided 150' would serve the needs for coverage, capacity of carriers and the 180' would not be necessary; though at this location even the 180' had very limited visibility. Independent Tower did its own balloon test at 180' with an attached balloon at 150' on the same tether and did a full analysis. Based on the reading of frequency plots that their consultant completed, the difference in coverage between the 180' and 150' was very minimal because the primary coverage objective, out toward Rt. 29, is very flat and the difference between the 180' and 150' was very negligible. Chairman Ian Murray stated that the 180' wasn't necessary at that point and Dan Schweigard responded that is right. Laurie Griffin stated expansion then is predetermined unnecessary so they won't be back in a year or two requesting an additional 40' and Dan Schweigard responded no, they won't.

Chairman Ian Murray stated seeing that the two applications are running in parallel and it doesn't seem like there will be any co-location happening between the two of them, per our zoning regulations this Board has the option to hire a consultant to help with this review. He told Independent Towers and Verizon that he is putting them on notice that the Board is going to do just that to help them determine which site will be the best location with the best system to go through here. The consultant will also help with the RF studies, SEQR, visual EAF and everything else. They have talked to a couple of people but haven't hired anyone yet, but hope to within the next couple of weeks. Chairman Ian Murray asked if the Board had any more questions at this time; there were none.

Proof of Notice having been furnished by newspaper on May 16, 2009, Chairman Ian Murray opened the Public Hearing at 8:16 p.m., asking those wishing to speak to please stand and state their name and address and to state if they are For or Against the project.

The following persons voiced their concerns:

Marshall Cassidy, 157 Walsh Rd. wants to be sure the tower doesn't go above 150'.

William Corrigan, 207 Walsh Rd. questioned if Schuyler Park was included as a site location; and if there was any other technological way, aside from a cell tower, to accomplish their objective.

Dan Schweigard responded there are various types of structures that could be used but upon analysis of the area they found no existing buildings/structures which they could use as a platform for a tower. The tower itself is structurally designed to carry a considerable amount of weight. There are alternate designs called stealth designs, which are made to look like trees or silos etc. but due to the limited site visibility of this site, no one can really see it so stealth is not necessary. He also explained that if the Independent Towers site is chosen, they will provide a letter of guarantee, along with a posted bond, to remove the telecommunications tower from the property if and when the cell tower is no longer needed.

Mary Ellen Cassidy, 157 Walsh Rd. and **Tom Barber**, Walsh Rd. stated Walsh Rd. is a neighborhood and the most pristine area of this town; they are against a tower on Walsh Rd. They also voiced their disapproval of the balloons floating on Monday.

Chairman Ian Murray explained that the weather forecast for that Sat. was for 7 mph winds. The balloons are very sensitive and with those winds there could have caused an adverse action, so it was best to postpone.

Dan Schweigard stated they are willing to float a balloon again if necessary.

Marilyn Zaborek, 387 Burgoyne Rd. questioned if the studies included migratory birds and the Fish Creek corridor.

Dan Schweigard responded it is not easy to assess that impact. They have to rely on NYS DEC and the U.S. Fish & Wildlife service in a generic way, describing the project and then ask for a consultation to see if there are any concerns in this part of the SEQR form on this application and address it further if need be.

Mr. Rogers, 406 Co. Rd. 68, said he just does not want to see two towers going up in the rural area.

Bob Sullivan, 136 Walsh Rd., questioned what impact the cell towers have on property values; if they drop will the town assessor reduce their assessment and if this is the first cell tower application.

Chairman Ian Murray stated he cannot answer concerning the property values, but as to the cell tower this is the fourth; the others were abandoned by the Applicant.

Bob Sullivan, 136 Walsh Rd. stated you won't use a historic site because it would be a blemish; just as a cell tower on Walsh Rd. would be, to us who live there.

Conversation continued between the Applicant, the Board and the concerned residents. Dan Schweigard reiterated the site selection process takes a lot of factors into account. They try to choose a site that has reduced visibility and the least amount of impact on the neighborhood. They don't just come in and try and take the very best spot or best coverage, they try to take into account obtrusiveness, and with the planning take everything into account during their selection process. The Town Landfill was chosen by their selection committee because it has existing access, the area is already cleared so it doesn't require any further clearing and they feel it is the best site available for this need, and these projects are submitted to all state agencies. They try and choose the best location they can.

Chairman Ian Murray asked if there were any other questions. Seeing none, he stated due to the Board exercising its option per zoning regulations for a consultant, he is keeping the Public Hearing open at this time until a consultant is hired to help the Board with this review.

Chairman Ian Murray read the letter from the Saratoga County Planning Board indicating no significant County wide or intercommunity impact; decision approved with comment:

'The town should be sure the Applicant is planning to provide for future co-location of additional carriers on the tower. The County Planning Board also suggests the town fully explore design alternatives for the tower including a silo or tree design to mitigate visual impact to the battle monument and surrounding community. The County's Green Infrastructure Plan and the Saratoga National Park Viewshed Protection Plan speak to reducing the number of towers and visual impacts of the towers on the community. While the County Planning Board is aware of the gap in service along NYS Rt. 29 and a tower is necessary to remedy that need, it should not create a negative visual impact on the town. Additionally, there is a second tower being proposed within a few miles of this tower and the County Planning Board suggests that the town have the Applicant explain in detail, and to their satisfaction, as to why two towers are warranted in such close proximity to one another.'

Attorney Dave Everett questioned if it would be helpful for the Applicant to provide a complete set of the application materials for the Board's consultant and Chairman Ian Murray stated yes, and the Board would like the same from Verizon. Attorney Dave Everett then questioned if they are expected on the agenda for next month as a continued application and Chairman Ian Murray answered yes. Attorney Dave Everett then questioned if they are asking the consultant to have a report prepared for that meeting or what is expected; he just wants to be sure they come prepared. Chairman Ian Murray stated until they have a consultant on board and the consultant reviews the information they won't know what to expect.

William Corrigan questioned if that information is open to public review and Chairman Ian Murray responded yes, one can come in to the Town Office and view it or they can fill out a FOIL request.

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

**Verizon Wireless/ Cellco Partnership #09-02
David C. Brennan, Young, Sommer LLC
Executive Woods, 5 Palisades Dr.
Albany, NY 12205
S/B/L 169-1-62.1 Rural**

**Owner: Mr. & Mrs. Raymond DeRidder
180 Walsh Rd.
Saratoga Springs, NY 12866**

Applicant is seeking a Special Use Permit to construct a telecommunications tower on the lands of Mr. and Mrs. Raymond DeRidder. The proposed tower will be a monopole of 105' in height, including the lightning rod; 12 panel antennas mounted to the top of the tower, 1 GPS unit, microwave antennas as required for utility services, a 12' x 30' unmanned equipment shelter and all related ground equipment and utility services.

Attorney David Brennan of Young Sommer LLC, Sarah Mayberry and Sara Colman of Verizon Wireless, appeared before the Board on behalf of the Applicant. Attorney David Brennan stated the Board has seen this application before and proceeded to review the history for the public; this is located on the DeRidder property, 180 Walsh Rd., at the intersection of Burgoyne and Walsh roads. They are proposing coming off the existing driveway, extending back and wrapping around to the site where the telecommunications tower facility will be located; about 360' from the house and 150' to the road. They are proposing a 100' monopole, with a 3 sided antennae array on top, and a 5' lightening rod atop that; total 105' monopole. At the base of the monopole there will be a 12' x 30' shed within a 44' x 54' fenced compound, and this will be on a leased area of 100' x 100'. The fence will be 6' with an additional 2' of barbed wire on top. They will also improve the site with a 12' wide gravel driveway, and the utilities will be underground into the site. Attorney David Brennan then stated, to answer some questions heard from the public during the previous application; why Walsh Rd. He said they chose this site because there is inadequate cell service there for Verizon Wireless and they have an ongoing program to identify areas where their service is not meeting their standard or is lacking and they then go and come up with a search area within which they attempt to site a facility. They then try to get in the middle of that area so they can connect up with the existing service in the area and fill in the coverage gap, which is Rt. 29. There are no existing towers or tall structures in this area that would serve as a platform to deploy their antennae, so they then look for an existing cluster tower, to which they could build a tower next to, and again there isn't one in the area. Once they exhaust that option, they begin knocking on doors and asking questions.

He believes this site benefits the area because the terrain is higher and that means the height of the antennae goes lower, and there is good tree coverage. The lease area is 100' x 100' and there will be under 7/10's of an acre of area disturbance; a little over 54' x 44' grading for the compound and up the access road, so a full stormwater pollution prevention plan is not required under DEC regulations, but soil erosion control measures are required. The monopole's silhouette is a slender facility with antennas on top. They are also proposing, at a lower elevation, to deploy microwave dishes. Those are used sometimes as a primary method, but more often and in this case, to keep the system up and running in case of a telephone system power outage. He stated they have a modest tower height, good tree coverage, and the balloon float with view shed analysis was done. Sarah Colman explained that the balloon test is not an indication of what the facility will look like; it's to be able to have the background information needed to provide a simulation which is the real mechanism for understanding what the facility will look like from any of the locations chosen for visuals. They did submit to Fish & Wildlife with a finding of no issue, received a letter from the National Park Service that states the proposal in its present form will have no adverse effect upon any of the national register properties of the Saratoga National Historical Park, and they too received the FAA "no need for lights" letter. He then stated he will take his turn and answer any questions, adding this tower is designed for 3 co-locaters and it will be sized for those additional carriers.

Chairman Ian Murray stated since the balloon floats, the studies are in and available at the Town Office for review. He then asked if there were any questions from the Board, there were none at this time.

Chairman Ian Murray reiterated this application is open for public review and seeing that the two applications are running in parallel and it doesn't seem like there will be any co-location happening between the two of them. He noted per our zoning regulations this Board has the option to hire a consultant to help with this review. He then said he is putting Verizon Wireless on notice as he did Independent Towers, that the Board is going to hire a consultant to help them determine which site will be the best location and the best system for this area. The consultant will also help with the Radio Frequency (RF) studies, SEQR, visual EAF and everything else. They have talked to a couple of people but haven't hired anyone yet, but hope to within the next couple of weeks. Chairman Ian Murray then asked the Applicant to provide a complete set of the application materials for the Board's consultant.

Chairman Ian Murray asked the Board if there were any more questions, there were none.

Proof of Notice having been furnished by newspaper on May 16, 2009, Chairman Ian Murray opened the Public Hearing at 8:58 p.m., asking those wishing to speak to please stand and state their name and address and to state if they are For or Against the project.

The following persons voiced their concerns:

Marshall Cassidy, 157 Walsh Rd. stated Mr. Brennan was very thorough but he doesn't like anything he heard and he is against this. He also stated why should one family, the DeRidders, benefit financially while all the other families will suffer financial loss; why his neighborhood; and also believes the tower will be 30' higher than the trees, and he doesn't want to see the service vehicles that would be required for the occasional tower services. It is all negative.

Mary Field, 366 Burgoyne Rd. questioned the diameter and was told on average of 36", depending on if it's designed for 3 or 4 carriers; it won't get much bigger or smaller than that. She is against this.

Frank Naret, 366 Burgoyne Rd. stated Verizon keeps mentioning the 'need' and questioned how they determined the 'need'; is it driven by complaint of no service by people in the area, how do they know there's a need. He is in a dead zone and doesn't care. He is against this.

Attorney David Brennan responded the need is driven by the complaints of the traveling public and the residents of the immediate area that are subscribers or not subscribers due to lack of coverage. It is also driven by the fact Verizon Wireless does ongoing drive testing of areas where there is no coverage and they also get rated by folks who have their service. They haven't had complaints from fire departments or ambulance departments but inevitably when he's in a room with a volunteer organization they typically say they rely on cell phones as primary or secondary means of communication during emergency events.

Sarah Mayberry of Verizon Wireless, added that there is an enhanced 911 service these days and that the county 911 systems do utilize the GPS locations of cell phones to be able to find someone in cases of emergency. Verizon's need is also driven by the fact that they hold an FCC license to provide service within a particular geographic area. Their license doesn't say they will provide some service to some areas. It says to provide safe and reliable and dependable service within a particular geographic license area, so they have an obligation to continue to improve their service in that area, and certain surrounding areas that don't have reliable service. 'Need' is a defined term by the New York State court system. It is a legal standard they have to meet in order to justify the facility in a particular location. It is their intent to find the best possible location with minimal impact to fill that need. They are a public utility and the State of New York has defined them as such, as New York State sees the need for wireless services.

Mary Ellen Cassidy, 157 Walsh Rd. stated she is against this and asked if they have been down Walsh Rd. and stated it is one of the most beautiful roads in the county; people walk on it, run on

it, watch fireworks on it and have for many years. This road is not a place for a cell tower. She then questioned how much money they are paying the DeRidder's.

Attorney David Brennan stated that is confidential information.

Mary Ellen Cassidy then asked if Verizon will be paying the DeRidder property tax.

Sarah Mayberry stated that is between the landowner and Verizon.

Marilyn Zaborek, 387 Burgoyne Rd. questioned if this Planning Board approved a cell tower installation on the Schuylerville school grounds and if there is going to be a tower there, why is one necessary in the Town.

Chairman Ian Murray responded no, the Town of Saratoga Planning Board does not have jurisdiction in the Village. It was the Village of Schuylerville Planning Board that approved it.

Sarah Mayberry responded that Verizon will be co-locating on that tower as well as the application they have before this Board.

Jim Kaplan, 191 Walsh Rd. questioned how large an area will benefit with this cell tower and is it the cell company's goal to fill in all "dead zone" pockets and if so, when is enough coverage enough.

Attorney David Brennan stated they try to serve a combination of residents and major state roads.

Jim Kaplan, 191 Walsh Rd. responded that Verizon is really servicing the mobile community.

Attorney David Brennan stated he doesn't want to get into a back and forth on this. What he has said are just generalizations.

Sarah Mayberry explained the role of Verizon on cell towers is for primary corridors, roads, communities, population, and residential growth. They don't have a defined number on how many people a cell tower site might serve. The Adirondack Park corridor is vast and they have significantly fewer sites there than Saratoga or Albany but regardless of how populated that area is or is not, there is still the need on traffic corridors and in population centers of the Park for coverage. There is still undeveloped land in the Park that has nobody, but that doesn't mean the need for coverage isn't there; people hike and there are emergency situations that require coverage. As coverage area increases, size of towers increase; each location is different.

William Corrigan, 207 Walsh Rd. stated with all due respect to the work that has gone into this he is against this and added that he has already handed in papers to Chairman Ian Murray for the file.

Tom Barber, 178 Walsh Rd. stated this is his side yard; he is next door to the DeRidder's. If they take the trees down it's going to stick out like a sore thumb from the road. He also questioned noise emission.

Sarah Mayberry responded the shelter has HVAC units and a backup generator which cycles weekly, and it will be very minimal by the time it reaches the property line. It is retro fitted with a critical grade muffler-60.5 – 70 DBA.

Marshall Cassidy, 157 Walsh Rd questioned if there is a transformer hum.

Sarah Mayberry responded she has never heard any complaints on one.

Beth Sullivan, 136 Walsh Rd. questioned what are the names and addresses of other residents who have cell towers on their properties she'd like to drive by and possibly talk with them.

Sarah Mayberry responded she'll have to get permission from the land owners before supplying any information, but she can supply locations.

George Rogers, 406 Co. Rd. 68 stated he is against this due to property devaluation and he feels that the tower will affect their lands for future development or future sales and the possible health hazards.

Chairman Ian Murray asked if there were any other questions. Seeing none, he stated due to the Board exercising its option per zoning regulations for a consultant, he is keeping the Public Hearing open at this time until a consultant is hired to help the Board with this review.

Laurie Griffin commented she would like copies of the two cell applications at the library for public review. She also stated that she fought for the Saturday balloon float and if it is possible to float again on a Saturday she is all for it. She is curious and would like to know what effect a cell tower does have on the surrounding property values and sales.

Chairman Ian Murray requested both Independent Towers and Verizon Wireless to supply a copy of their applications along with a CD to Clerk Linda McCabe to be taken to the Schuylerville Library for the ease of public review.

Chairman Ian Murray read the letter from the Saratoga County Planning Board indicating no significant County wide or intercommunity impact; decision approved with comment:

‘The town should be sure the Applicant is planning to provide for future co-location of additional carriers on the tower. The County Planning Board also suggests the town fully explore design alternatives for the tower including a silo or tree design to mitigate visual impact to the battle monument and surrounding community. The County’s Green Infrastructure Plan and the Saratoga National Park Viewshed Protection Plan speak to reducing the number of towers and visual impacts of the towers on the community. While the County Planning Board is aware of the gap in service along NYS Rt. 29 and a tower is necessary to remedy that need, it should not create a negative visual impact on the town. Additionally, there is a second tower being proposed within a few miles of this tower and the County Planning Board suggests that the town have the Applicant explain in detail, and to their satisfaction, as to why two towers are warranted in such close proximity to one another.’

Paul Griffin stated there is only the necessity for one tower, correct, and Sarah Mayberry responded they have need of only one tower and she believes Verizon’s location is the best. Robert McConnell questioned if the Board can continue the Public Hearing without the Board’s consultant report and Chairman Ian Murray responded yes, they can continue.

Robert Park questioned what the differences are between the two sites and Sarah Mayberry stated they rely on their Radio Frequency (RF) engineer for that information. She will also have their RF engineer appear at the next meeting.

George Rogers stated the RF engineers must have looked at both sites; you need one tower. The Town of Saratoga owns the town dump. You build your tower their, not in our area and everyone gains, not just the DeRidders. If the tower is done on the town dump site, the town gets the money which helps all the taxpayers. Chairman Ian Murray stated that is technically already happening now; Independent Towers has an option on it now and has for some time, even with no tower.

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

Returning

Old Business: None

New Business: None

Laurie Griffin made a motion, seconded by Robert McConnell, to adjourn the meeting at 9:47 p.m. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan –absent, Paul Griffen – aye, Robert McConnell –aye, Jennifer Koval – absent, Alternate Joseph Lewandowski – absent. **Carried 5- 0.**

Meeting Adjourned

The next meeting will be held June 24, 2009 at 7:30 PM.

Respectfully submitted,

Linda McCabe
Planning Clerk