

**TOWN OF SARATOGA  
PLANNING BOARD DRAFT MINUTES  
November 18, 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 – absent, Laurie Griffen – present, Patrick Hanehan – present, Robert McConnell – present, Jennifer Koval – present and Alternate Joseph Lewandowski – present.

Due to the absence of Board Member Paul Griffen, Chairman Ian Murray elevated Alternate Joseph Lewandowski to full member status.

Also attending: Town Engineer Ken Martin, Jim Vianna, Beth Woodard, David Brennan, Mark Sweeney 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, and seconded by Patrick Hanehan to accept the minutes of the October 28, 2009 meeting as written.** Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – absent, Robert McConnell – aye, Jennifer Koval – aye, Alternate Joseph Lewandowski - aye.

**Carried 7 - 0**

**Approved**

**Public Hearing**

**Subdivision**

**David and Rebecca Howard  
121 Co. Rt. 338  
Schuylerville, NY 12871  
S/B/L 157.-1-25.211 Rural Residential**

Applicants propose to subdivide their 12.02± acre parcel into two lots; Lot 1 will be 8.87± acres, remaining in agriculture and retained by the Howard's. Lot 2 will be a 3.15± acres parcel; with the existing house and other buildings, and will be for sale.

Jim Vianna appeared before the Board on behalf of the Applicants stating that they would like to subdivide this property; Lot 1 will be 8.87± acres, remain in agricultural use and will be retained by the Howard's. Lot 2 will be 3.15± acres with the existing house and other buildings, and will be for sale. Jim Vianna also stated that there will be an agriculture note on the map stating that if there will be any change in the use of Lot 1 the Applicants will have to come back before this Board. Chairman Ian Murray stated he knew there was a question concerning the keeping of horses on the agriculture parcel and wanted to know if they had that question settled. Jim Vianna stated the frontage is in the village extension district and according to regulations that district prohibits that use. Chairman Ian Murray asked if there were any questions of the Board; there were none.

**Proof of Notice having been furnished by newspaper on November 8, 2009, Chairman Ian Murray opened the Public Hearing at 7:35 p.m., asking those wishing to speak to please stand and state their name and address.**

No one came forward.

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

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

**Patrick Hanehan read the short form EAF, line by line, which was completed by the Board. Chairman Ian Murray made a motion, seconded by Patrick Hanehan to accept the documents as presented, to declare the SEQR review complete and to make a Negative Declaration.** Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – absent, Robert McConnell – aye, Jennifer Koval – aye, Alternate Joseph Lewandowski – aye.

**Carried 7-0**

**Approved**

**Patrick Hanehan made a motion, seconded by Laurie Griffen to approve this subdivision as presented.** Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – absent, Robert McConnell – aye, Jennifer Koval – aye, Alternate Joseph Lewandowski – aye.

**Carried 7-0**

**Approved**

**Norman Hamm #09-11**

**708 Charles St.  
Scotia, NY 12302  
27615**

**Owners: Norman Hamm**

**708 Charles St.  
Scotia, NY 12302**

**Ronald Hamm**

**1000 Whetstone Ct.  
Raleigh, NC**

**S/B/L 156.-4-29 Rural & Rural Residential**

**Location: 213 Burgoyne Rd.**

Returning Applicant proposes to subdivide this 73.52± acre parcel, located at 213 Burgoyne Rd., into two lots; one for his brother and one for himself. This parcel falls into two zoning districts, Rural and Rural Residential.

Jim Vianna appeared before the Board on behalf of the Applicants explaining this subdivision is to settle the estate of their father. The property falls into two zoning districts. Lot 1 will be 28.85± acres with the existing house and barns on it. Lot 2 will be 44.67± acres and will stay in agriculture. There will be an agricultural statement on the map stating if there is a change in use of this property the Applicant must come before the Board. The survey has now been completed and the parcel crosses two zoning districts; basically north of Burgoyne is rural residential and south is the rural district. He reiterated that he put the agricultural note on Lot 2 along with the zoning setbacks, according to the districts, on the map. Chairman Ian Murray stated that he and Town Engineer Ken Martin want proper placement of the driveway sited for Lot 2 on the map if the use changes.

**Proof of Notice having been furnished by newspaper on November 8, 2009, Chairman Ian Murray opened the Public Hearing at 7:42 p.m., asking those wishing to speak to please stand and state their name and address.**

No one came forward.

Chairman Ian Murray asked if there were any other questions of the Board, seeing none  
**Chairman Ian Murray closed the Public Hearing at 7:43 p.m.**

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

**Patrick Hanehan 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, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – absent, Robert McConnell – aye, Jennifer Koval – aye, Alternate Joseph Lewandowski – aye.

**Carried 7-0**

**Approved**

**Chairman Ian Murray made a motion, seconded by Patrick Hanehan to approve this subdivision as presented.** Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – absent, Robert McConnell – aye, Jennifer Koval – aye, Alternate Joseph Lewandowski – aye.

**Carried 7-0**

**Approved**

### **Special Use Permit Pre-Submission Conference**

**Beth Woodard #09-16**

**139 Co. Rt. 338**

**Schuylerville, NY**

**S/B/L 157-1-49.2 Rural Residential**

**Location: 1164 Rt. 29, Schuylerville, NY**

**Owner: Matthew Ernst**

**Northern Pines Rd.**

**Gansevoort, NY 12831**

Applicant proposes to open a beauty salon located at 1164 Rt. 29, Schuylerville, NY.

The Applicant appeared before the Board stating that she has been working at a local beauty shop in Schuylerville for the past nine years and would like to open a beauty salon of her own, located at 1164 Rt. 29. Chairman Ian Murray questioned what the hours of operation were to be and she responded Monday – Saturday 9 a.m. – 5 p.m. and she would like to have evening hours on Thursdays and Fridays, at least for the present time. Chairman Ian Murray questioned how many chairs she has in her shop and was told four; he also asked how many employees she would have and she responded four. He then asked how many clients, at one given time, she would have. The Applicant responded at the most there would be four going at one time, unless she had a couple of walk-ins or a color and/or haircut going at the same time. Chairman Ian Murray stated there is plenty of parking so she could have four clients going and four waiting and be fine. Town Engineer Ken Martin added she has enough parking for ten vehicles. Chairman Ian Murray stated that his questions had been answered and asked if there were any other questions from the Board members.

Laurie Griffen questioned if the special use permits are transferable and Chairman Ian Murray answered no.

Robert McConnell questioned the size of septic and water stating it may be different from the other businesses that were there.

Chairman Ian Murray stated there are a couple more steps the Applicant must do for approval and she will have to come back next month for a Public Hearing and completion; adding that perhaps she could ask the owners if they have a record of the capacity of the septic system.

Town Engineer Ken Martin stated he will look into if DOH has to be involved but he believes DEC may need to take a look at it due to the chemicals that are used in that business. Chairman Ian Murray then stated we will hold a Public Hearing on Dec. 16, 2009.

**Returning**

### Special Use Permits

Chairman Ian Murray thanked the Board Members for all the hard work each member has put into the two telecommunication tower applications; adding he knows and is very grateful for how much work they have put into this on their own personal time, above and beyond the regular meetings and the additional workshop meetings.

**Independent Towers LLC #09-03**

**11 Herbert Dr.**

**Latham, NY 12110**

**S/B/I 169-1-64 Rural**

**Location: 219 Hayes Rd., Schuylerville, NY 12871**

**Owner: Town of Saratoga**

**12 Spring St.**

**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 AT 219 Hayes Rd.

Mark Sweeney appeared before the Board stating at this point the requested information has been provided to and evaluated by the LA Group. They have provided the coverage analysis that had been requested and hand delivered that to each Board member, along with the elevation drawing showing co-location opportunities on their site. Given the height of their structure, in order to accommodate Verizon, they do have quite a bit of space for additional co-location. They also provided RF plots that show the various heights that will offer acceptable coverage. Every carrier has their own needs/specifics, but as discussed at the last meeting if there is an approved structure that is up and operating, and a carrier comes in and wants a facility in the Town of Saratoga, the Town ordinances direct that they look first to what is already there. They are not entitled to a permit for a new tower unless they can show the operating tower will not work for them. When they say it won't work for them in that context, it's a little different than when you are starting from scratch; at that point you are looking at whether the gap in coverage can be addressed. Even in a new application if there is a gap in coverage the Town law and the telecommunication law sets a standard that allows you to look at how best to fill that gap; what is the least intrusive means, what suits your ordinance the best. Co-location; encouraging co-location, is one of the Town's primary components and Independent Towers believes their facility offers multiple opportunities for co-location and is consistent with the Town's ordinance. They have received FAA 'no hazard' determination for the 190' tower and Saratoga County Planning Board has determined no county wide or intercommunity impact under their memorandum of understanding. Mark Sweeney thanked the Board and then stated he is happy to answer any questions the Board may have.

Patrick Hanehan questioned that at 190' no lighting is needed and Mark Sweeney stated that is correct.

Robert Park questioned if Cellco/Verizon gets approval and Independent Towers gets approval, will Independent Towers still build a 190' tower. Mark Sweeney responded that is their plan, but if there is concern that 190' is not needed, they can build it with expansion capabilities; if they build the 190' it is also possible other carriers will find this height attractive and will give them a better opportunity for co-location.

Chairman Ian Murray stated this process has been quite a path and a great exercise having done both in parallel, even though it was much more work. He then stated he likes this tower for the coverage and the co-location capabilities. Chairman Ian Murray asked if there were any other questions from the Board, there were none.

Chairman Ian Murray stated that since they have already completed Part II and Part III of SEQR at past meetings, he will not read the long form EAF line by line.

**Chairman Ian Murray reiterated they have had two SEQR workshop meetings on this application; Part II and Part III are complete as well as the visual addendum and the long form EAF. At this time Chairman Ian Murray made a motion, seconded by Patrick Hanehan to declare that SEQR review is complete and to make a Negative Declaration on this application.** Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – absent, Robert McConnell – aye, Jennifer Koval – aye, Alternate Joseph Lewandowski – aye.

**Carried 7-0**

**Approved**

**Chairman Ian Murray made a motion to approve this application, seconded by Laurie Griffen, with the following resolution:**

**TOWN OF SARATOGA PLANNING BOARD  
PROJECT APPROVAL RESOLUTION FOR  
INDEPENDENT TOWER – 190 FOOT COMMUNICATION TOWER AT  
119 HAYES ROAD, TAX LOT #161-1-64**

**WHEREAS**, on or about April 8, 2009, Independent Towers, LLC (the “Applicant”) submitted an application under Section 400-13 Telecommunication Towers of the Town of Saratoga Zoning Law (“Zoning Law”) for a 190’ monopole telecommunications facility to be located at 119 Hayes Road, Town of Saratoga Landfill, Tax Parcel 161-1-64 (“Project”).

**WHEREAS**, as the Town of Saratoga Planning Board (“Planning Board”) retained The LA Group, P.C. (the “Consultant”) to assist it in review of the project.

**WHEREAS**, the Applicant submitted an application pursuant to Section 400-13 of the Zoning Law for a Special Use Permit for the Project to allow the construction, operation and maintenance of a Telecommunications Tower;

**WHEREAS**, the Planning Board reviewed and considered information supplied by the Applicant and interested parties;

**WHEREAS**, the Application consisted of submittals by the Applicant and various interested parties or agencies dated March 11; April 8, 16, 18, 21 and 23; May 13, 20 and 25; June 15 and 19; July 8, 9, 21, 24 and 29; August 4, 12 and 14; September 2; October 8; and November 4, 2009;

**WHEREAS**, the Planning Board referred the Application to the Saratoga County Planning Office and on or about November 18, 2009, the Saratoga County Planning Board determined that the Project had no significant county-wide impacts.

**WHEREAS**, the Project will consist of a monopole Tower 190 feet tall and require a 0.12 acre facility to contain the equipment shelter(s), access drive, parking area, and a fenced enclosure area to protect ground equipment. Access will be made using the existing driveway to the Town of Saratoga landfill.

**WHEREAS**, a comprehensive visual analysis was completed which demonstrates the facility will have a minimal impact on the visual character of region.

**WHEREAS**, the National Park Service (“NPS”) evaluated potential visibility of the proposed tower from the Saratoga Battlefield generally, and the top of the battlefield Monument

specifically, and concluded that the Project would have no adverse affect on any cultural resources under its jurisdiction;

**WHEREAS**, the NPS requested that measures be taken to reduce the contrast of the structure against the background in the viewshed. The Planning Board therefore determines that the monopole be a non-specular galvanized steel.

**WHEREAS**, the number of individuals that may have a view of the Project was evaluated using the detailed expert visual analyses and data from multiple balloon tests which were verified by the Applicant in the field by conducting drive test during the balloon flights), is estimated to be 100 based on census data.

**WHEREAS**, the expert radio-frequency (“RF”) analyses and propagation studies prepared by the Applicant as well as those prepared by Verizon Wireless (in connection with Verizon Wireless’ competing application) identified the areas of the Town (and outside the Town) which would receive sufficient signal from the Project to provide safe and adequate coverage;

**WHEREAS**, using the RF data submitted by the Applicant and Verizon Wireless, the Consultant:

1. calculated the number of residents in the Town that will obtain sufficient wireless signal to be approximately 1,560;
2. calculated that approximately 9,264 acres within the Town of Saratoga would receive safe and adequate service from the Project;
3. calculated the Project will provide safe and adequate service to adjacent communities and along roadways;
4. completed an analysis of the RF signal to be provided from alternate tower heights and concluded that lower antenna positions were feasible, but produce limited coverage and offered fewer future collocation opportunities when compared to the 190 foot proposed project. In addition, Verizon Wireless confirmed that a height of 190’ would allow it to provide safe and adequate coverage to its primary coverage objective in the Town.
5. determined that because the Project offers greater vertical space for future users (collocation space will be available below 190 foot height down to 150 feet or possibly lower depending on the needs of the other wireless companies);
6. determined that the Project best fulfills the intent of the Town’s Special Permit and Telecommunications regulations, will provide the needed service to the residents of the Town, allow for Verizon Wireless and other wireless providers to address the gap in coverage within the town while minimizing the impacts to the neighborhood and surrounding areas of the Town;
7. determines that the Project is not visible from local roadways or other public areas and, therefore, recommends that landscaping around the enclosure not be required
8. recommends that collocation opportunities be made available in accordance with Section 400-13(G).
9. recommends that the tower be non-specular galvanized steel and antenna are to be a similar neutral color;
10. acknowledges that all additional antenna will be subject to local review.

**WHEREAS** the Project will be located on an industrial parcel, historically utilized for commercial purposes, (i.e., the Town Landfill). Accordingly, the Project will utilize a previously disturbed property and avoid any impacts that may result from the construction of the Project on undisturbed lands;

**WHEREAS**, by occupying a portion of an already disturbed site and as a result of its capability to host multiple antenna at this site, the Project will limit the need for future commitment of lands at other undeveloped sites;

**WHEREAS**, Saratoga County Emergency Management has selected the Project as a preferred site for the build out of its emergency communications system;

**WHEREAS**, on or about November 18, 2009, the Saratoga County Planning Board issued a referral response finding that the 190' tower would cause no county-wide impact.

**NOW, THEREFORE**, based on its review of the materials submitted by the Applicant and interested parties, as well as the board member's knowledge and understanding of the Town and the Project, the Planning Board hereby makes the following findings and determinations for the Project:

- A. The Planning Board decision is based on the intent statement found Article VIII Section 400-31 and Section 400-13(A) of the Zoning Law. Section 400-31 reads:

It is the intention of this chapter to outline special permitted uses which may be appropriate to accomplish the objectives of the Town's growth policy and to provide needed services and uses compatible with the essential character of the zoning district in which they are allowed.

Similarly, the purpose of the Telecommunications Tower regulations state that the implementation of these provisions shall "... minimize the total number of telecommunication towers in the community by encouraging shared use of the existing and future towers." These provisions direct the Board and Applicant to minimize adverse visual effects from telecommunication towers by requiring careful siting, visual impact assessment, and appropriate landscaping and shared use of facilities. Therefore, the Planning Board determines that the Project's ability to enable for the maximum number of providers to provide safe and adequate service to the Town is a critical consideration as well as minimizing visibility or other disruption to the character of the neighborhood or Town.

- B. The Project satisfies all the requirements set forth in the Section 400-13 of the Zoning Law as set forth below and hereby issues the Special Use Permit and Site Plan approval for the Project:

1. The Applicant demonstrated that a significant gap in wireless coverage exists in the area of the Town surrounding the Project, notably portions of NYS Route 29, NYS Route 32 and other town and county roads for any wireless service provider.
2. the Applicant submitted all materials required under section 400-13(D) and (E) to identify and inventory any existing tall structures and existing or approved towers and existing tower sites;
3. there are no existing tall structures or approved or existing towers suitable to allow for safe and adequate coverage to this identified gap in coverage;
4. the Project is well suited to accommodate future demand for wireless service providers to provide service to the Town and the Applicant has submitted a letter of intent committing the Applicant and its successors in interest to negotiate in good faith for future shared use as required under Section 400-13(G) of the Zoning Law;
  - a. the Project represents the least intrusive means of providing safe and adequate service to the identified gap in coverage as it presents minimal visual impacts,

- offers multiple collocation opportunities for future users which will avoid the construction of multiple towers and provide the best wireless signal coverage from multiple providers for the residents of the Town;
- b. the Project minimizes the areas of that Town that may need additional towers to provide service;
5. the Applicant complied with and satisfied the requirements of section 400-13(H) regarding the Project Site Plan and submitted copies of the FCC licenses of two future tenants of the site, Saratoga County Emergency Services and Hudson Valley Wireless. The Planning Board also acknowledges that Verizon Wireless another FCC licensed provider may utilize the Project;
  6. the Project meets all lot size and setback requirements set forth in Section 400-13(I);
  7. as required by Section 400-13(J) of the Zoning Law, the Applicant submitted a comprehensive visual assessment of the Project that included Zone of Visibility Maps, before and after photographic simulations from views selected by the Planning Board and the Consultant; conducted multiple balloon flights on notice to the public to allow for the views of the Project to be evaluated and verified the data on the viewshed analyses by conducting drive test to confirm the areas within which the Project would be visible;
  8. as required by Section 400-13(K) of the Zoning Law, considered future usage of the project as a primary consideration, reviewed alternate tower designs such as a lattice tower, painted monopole and pine tree design were determined that a non-specular galvanized steel tower finish and similarly colored antenna minimize the visual impact of the structure;
  9. consistent with Section 400-13(L) of the Zoning Law, the Project does not require clearing and therefore avoids clearing of existing vegetation;
  10. consistent with Section 400-13(M) of the Zoning Law, screening is not required as the base of the tower and accessory structures in the Project are not visible from roadways or public sites known to include important views or vistas;
  11. consistent with Section 400-13(N) of the Zoning Law, the project allows for adequate emergency and service access and will fully utilize the existing access road on the landfill property as shown on the site plans;
  12. consistent with Section 400-13(O) of the Zoning Law, adequate parking is provided for emergency and service vehicles as shown on the site plans;
  13. consistent with Section 400-13(P) of the Zoning Law, the tower and accessory structures are appropriately enclosed by fencing as shown on the site plans;
  14. consistent with Section 400-13(Q) of the Zoning Law, there will be no lighting placed on the tower;
  15. as required by Section 400-13(R) of the Zoning Law, the Applicant has submitted a letter of intent committing the Applicant and its successors to remove the tower upon discontinuance as set forth in said section;
  16. consistent with Section 400-13(S) of the Zoning Law, the Applicant provided notice to all adjacent municipalities as well as the Saratoga County Planning Board and the Director of Saratoga County Emergency Services of the Project. As noted above, the Saratoga County Emergency Services Department has indicated its desire to use the Project for its communications needs and that it prefers the Project over the location of the proposed Verizon Wireless tower on Walsh Road;
  17. as required by Section 400-13(T) of the Zoning Law, the Applicant duly provided notice of the public hearing and balloon flights to nearby landowners; and
  18. This resolution shall be effective immediately.

C. Imposes the following conditions for the Project:

1. the tower must be erected within one year of the date of issuance of the Special Use Permit;



2. the tower shall be non-specular galvanized steel and antenna are to be a similar neutral color; and
3. except for the Verizon Wireless, Saratoga County and Hudson Valley Wireless antenna and equipment, all other collocations must comply with Section 400-13 of the Zoning Law.
4. Engineered foundation plans must be submitted to Town of Saratoga Engineer, Kenneth Martin, and Town of Saratoga Zoning Officer/Building Inspector, Gil Albert.

<u>Roll Call</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chair Ian Murray	X			
Member Laurie Griffen	X			
Member Robert McConnell	X			
Member Joseph Lewandowski, Alt.	X			
Member Patrick Hanehan	X			
Member Jennifer Koval	X			
Member Robert Park	X			
Member Paul Griffen				X

**Carried 7-0**  
**Approved**

**PASSED AND ADOPTED BY THE PLANNING BOARD OF THE TOWN OF SARATOGA  
on the 18th day of November, 2009.**

**Cellco Partnership d/b/a Verizon Wireless #09-02    Owner: Mr. & Mrs. Raymond DeRidder**  
**David C. Brennan, Young, Sommer LLC                                    180 Walsh Rd.**  
**Executive Woods; 5 Palisades Dr.    Saratoga Springs, NY 12866**  
**Albany, NY 12205**  
**S/B/L 169-1-62.1 Rural**

Returning Applicant is seeking a Special Use Permit to construct a telecommunications tower within a 44' x 54' fenced compound, located on the Raymond DeRidder property at 180 Walsh Rd.

David Brennan appeared before the Board on behalf of the Applicant stating that the Board is well aware of their application but he wanted to reiterate a couple of important points. They are proposing a 105' monopole with lightning rod at 180 Walsh Rd. They will put in a stealth tree pole in order to make it disappear into the trees; making it nearly invisible in keeping with the community character. The site is on a knoll and only requires a 100' elevation and because of that knoll, the Independent Towers has some screening which will lead to a gap in coverage to the southwest which Mr. Anderson has indicated will require another facility to serve that area of the Town. David Brennan suggested that Verizon Wireless is an FCC licensed carrier and they are the carrier that's been through this process with the Board and it is their network that needs to function in the context of these two towers. He stated they haven't been here for the last nine months putting the Board through having two applications because they just wanted to go toe to toe, it is because their site functions from their network perspective completely and integrates appropriately with their network. It also allows them to propose and implement a stealth tree so that it is substantially invisible to the Town. It does have opportunity for three co-locaters and so in that context it meets and exceeds all the requirements of the Town's code and should be similarly granted approval. Chairman Ian Murray stated that this application generated a lot of

questions at the various meetings and workshops and asked if there were any questions of the Board.

Robert Park stated when this process started he was dead set against two towers, but Mr. Brennan states the Independent Towers site will not satisfy their requirements now, which means they'll be coming back here to put up another tower someplace if they don't get the one on Walsh Rd. David Brennan added that due to the elevation and trees, they will be completely invisible; substantially invisible in that an additional tower so close to the Town landfill site will not result in any community impact since you won't be able to see it, and it does avoid a new tower somewhere else in the Town. Chairman Ian Murray responded he understands David Brennan's point. The Board has been over this at numerous meetings throughout the process. Chairman Ian Murray doesn't necessarily think that David Brennan has to come back to the Town of Saratoga for another tower location. The Board has reviewed the USGS maps again and identified numerous other spots outside of the Town that would give Cellco/Verizon coverage in that corridor and western part of the Town; possibly even more coverage than what they would get from a tower on the southwestern portion of the Town. David Brennan stated he disagrees. Chairman Ian Murray stated they could continue this all night. We are looking for better coverage for the Town, Independent Towers is better for the Town of Saratoga. The tower at the location that David Brennan proposed covers more of the outer district of the city of Saratoga Springs than it does the eastern portion of the Town of Saratoga, so that is where the Board saw a benefit for the Town. David Brennan responded that is the same area where the Board said there was no problem with visibility because it is all farmland; it can't be visibly okay because no one is there, but it covers that land so it's a benefit to the Town; that argument can't cut both ways. Chairman Ian Murray responded visibility was never the Board's first priority and he believes the Board will back him up on that. Chairman Ian Murray asked if there were any further questions, there were none.

**Chairman Ian Murray stated they have had two SEQR workshop meetings on this; Part II and Part III of the long form EAF are complete as well as the visual addendum. At this time Chairman Ian Murray made a motion, seconded by Patrick Hanehan to declare that SEQR review is complete and to make a Negative Declaration on this application.**

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

**Carried 7-0**

**Approved**

**Chairman Ian Murray made a motion to deny this application, seconded by Laurie Griffen, with the following resolution:**

**TOWN OF SARATOGA PLANNING BOARD  
PROJECT DENIAL RESOLUTION FOR  
CELLCO PARTNERSHIP 100 FOOT COMMUNICATION TOWER AT  
180 WALSH ROAD, TAX LOT #169-1-62.1**

**WHEREAS**, an application was received from Cellco Partnership for the above site on April 8, 2009.

The Planning Board decision is based on the intent statement found Article 7 Section 400-31.

“It is the intention of this chapter to outline special permitted uses which may be appropriate to accomplish the objectives of the Town's growth policy and to provide needed services and uses compatible with the essential character of the zoning district in which they are allowed.”

From the above, the functional criteria becomes provision of service while minimizing visibility or other disruption to the character of the neighborhood or town.

The Special Permit for Telecommunication Towers (Section 400-13) Purpose Statement directs the Town to “minimize the total number of telecommunication towers in the community by encouraging shared use of the existing and future towers.” Future use for co-location is a consideration that is necessary under the local law.

Other tall structures that would support telecommunication antenna are not available; therefore it is necessary to site a new tower. The Intent Statement directs the Board and Applicant to minimize adverse visual effects from telecommunication towers by requiring careful siting, visual impact assessment, appropriate landscaping, and co-location.

The Town of Saratoga Planning Board makes the following findings as it related to the application by Cellco Partnership d/b/a Verizon Wireless Towers (Applicant) for a telecommunication facility to be located at 180 Walsh Road, Tax Parcel 169-1-62.1.

**WHEREAS**, the Planning Board retained The LA Group, P.C. (Consultant) to assist them in review of the project.

**WHEREAS**, the Applicant submitted an application under local rule, Section 400-13 Telecommunication Towers.

**WHEREAS**, the application consisted of submittals by the Applicant and interested parties received at the Town on March 5, 6, 11 and 18; April 7, 8, and 23; May 12, 13, 20, 22, 26, 28; June 16; July 8; August 14, 24, and 26; September 2, 16, and 23; October 8, 9 and 21; and November 4, 6, and 11.

**WHEREAS**, the Planning Board reviewed and considered information supplied by the Applicant,

**WHEREAS**, the proposed tower will be 100 feet tall with a five foot lightning rod for a total height of 105 feet.

**WHEREAS**, as the nearest occupied dwelling is approximately 350 feet from the tower.

**WHEREAS**, the Saratoga County Planning Board determined that the proposed tower represents no significant county-wide impacts.

**WHEREAS**, the number of individuals that may have a view of the tower is estimated at 86 based on census data,

**WHEREAS**, the number of individuals that will obtain sufficient wireless signal is estimated at 2,671 in approximately 7,144 acres within the Town of Saratoga,

**WHEREAS**, the tower will provide service to adjacent communities and along roadways,

**WHEREAS**, the local ordinance provides for minimization of the number of towers in the community,

**NOW, THEREFORE**, based on its review of the materials submitted by the Applicant and interested parties, as well as the board member’s knowledge and understanding of the Town and

the Project, the Planning Board hereby makes the following findings and determinations for the Project:

- A. A comprehensive visual analysis was completed that demonstrates the facility will have a minimal impact on the visual character of region. The proposal to use a camouflage pine tree tower at the site would not be effective due to the prevalence of deciduous vegetation on the site and to the south.
- B. An alternative analysis was completed that demonstrated that lower antenna positions were feasible, however, the lower antenna position of Cellco produces a more limited coverage and may not be attractive to other wireless providers. The single co-location position available at this site with the current tower design is insufficient to meet immediate or anticipated needs in the community for wireless communication. The restricted co-location positions at this site will not provide adequate opportunities for other wireless providers to locate at this site.
- C. Various radio frequency exhibits have consistently shown that this site provides less coverage to the area south of NY Route 32 and generally north of County Route 69. These less populated rural farm lands are an important community resource, and provision of improved emergency communication is a means for the Town to accomplish the Comprehensive Plan (Chapter 2) goal to “maintain the safe and secure environment currently existing in the Town.”

**Based on the above, the Planning Board votes to deny the application of Cellco Partnership d/b/a Verizon Wireless Tower:**

<u>Roll Call</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chair Ian Murray	X to deny			
Member Laurie Griffen	X to deny			
Member Robert McConnell	X to deny			
Member Joseph Lewandowski, Alt.	X to deny			
Member Patrick Hanehan	X to deny			
Member Jennifer Koval	X to deny			
Member Robert Park		X		
Member Paul Griffen				X

**Carried 6 – 1  
Denied**

**PASSED AND ADOPTED BY THE PLANNING BOARD OF THE TOWN OF SARATOGA  
on the 18th day of November, 2009.**

**Old Business:** None

**New Business:** None

The Board thanked Dean Long for his work on the two telecommunication tower applications. Board discussion continued on coverage and in future the Board would like to review resolutions prior to meetings.

**Chairman Ian Murray made a motion, seconded by Laurie Griffin, to adjourn the meeting at 9:02 p.m.** Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – absent, Robert McConnell – aye, Jennifer Koval – aye, Alternate Joseph Lewandowski – aye.

**Carried 7-0**

**Meeting Adjourned**

The next meeting will be held December 16, 2009 at 7:30 PM.

Respectfully submitted,

Linda McCabe  
Planning Clerk